U.S. DEPARTMENT OF COMMERCE
National Technical Information Service

PB-267 314

EPA Enforcement - A Progress Report December 1974 to December 1975 Air, Noise, Pesticides, Water

Environmental Protection Agency, Washington, D C Off of Enforc.

1976

TECHNICAL REPORT DATA

(Please read Instructions on the reverse before completing)

1. REPORT NO.	2.	3. RECIPIENT'S ACCESSION NO.
4. TITLE AND SUBTITLE EPA Enforcement - A Progress Report - Dec 1974 to Dec 1975 - Air, Noise, Pesticides, Water		5. REPORT DATE 1976 6. PERFORMING ORGANIZATION CODE
7. AUTHOR(S)		8. PERFORMING ORGANIZATION REPORT NO.
9. PERFORMING ORGANIZATION NAME AND ADDRESS Same as box #12		10. PROGRAM ELEMENT NO. 11. CONTRACT/GRANT NO.
12. SPONSORING AGENCY NAME AND ADDRESS U.S. Environmental Protection Agency Office of Enforcement Washington DC 20460		13. TYPE OF REPORT AND PERIOD COVERED 14. SPONSORING AGENCY CODE

15. SUPPLEMENTARY NOTES

16. ABSTRACT

The report on the U.S. Environmental Protection Agency's air, noise Pesticides, and water enforcement activities presented here is the third in a series of volumes seeking to inform all interested segments of the American Public on the problems encountered, and the progress achieved, in enforcing the Nation's environmental protection laws.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group

18. DISTRIBUTION STATEMENT	19. SECURITY CLASS *(This Report)*	21. NO. OF PAGES 228p
	20. SECURITY CLASS *(This page)*	22. PRICE PCA11 - A01

EPA Form 2220-1 (9-73)

PB 267 314

EPA ENFORCEMENT

A PROGRESS REPORT DECEMBER 1974 TO DECEMBER 1975

◆ AIR ◆ NOISE ◆

◆ PESTICIDES ◆ WATER ◆

UNITED STATES · ENVIRONMENTAL PROTECTION AGENCY

1976

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U. S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

N O T E

The initial report on the Environmental Protection Agency's Enforcement Program was published in February 1973, covering EPA enforcement actions in the areas of air, water, and pesticide pollution from December 1970, the date of the Agency's formation, to November 1972. Copies of that volume are obtainable from the NATIONAL TECHNICAL INFORMATION SERVICE, 5825 Port Royal Road, Springfield, VA 22150 under Order #PB-227 158/BP; "THE FIRST TWO YEARS -- A REVIEW OF EPA'S ENFORCEMENT PROGRAM".

The second report on EPA's Enforcement Program, entitled "EPA ENFORCEMENT -- TWO YEARS OF PROGRESS", covered air, water, and pesticide enforcement actions in the succeeding two-year period, December 1972 to November 1974 and was published in 1975. A limited supply is still on hand at EPA, and single copies may be requested by writing to EPA PUBLIC INFORMATION CENTER, PM-215, Washington, D.C. 20460.

The present document covers the period, December 1974 through December 1975, and single copies may be obtained by writing to the EPA address immediately above. When the initial supply is exhausted, inquiry should be made of the NATIONAL TECHNICAL INFORMATION SERVICE.

Requests for information concerning individual enforcement actions listed in any of the above reports should be directed to the Regional Enforcement Director of the EPA Regional Office shown as the initiating office. Addresses appear below:

Region	Address	States
I.......	John F. Kennedy [illegible]	[illegible]
II.......	[illegible]	[illegible]
III.......	[illegible]	[illegible]
IV.......	Suite 300, 1421 Peachtree St. N.E., Atlanta, GA [illegible]	[illegible]
V.......	[illegible]	[illegible]
VI.......	[illegible]	[illegible]
VII.......	[illegible] 1735 Baltimore Ave., Kansas City, Mo. [illegible]	[illegible]
VIII.......	[illegible]	[illegible]
IX.......	[illegible]	[illegible]
X.......	[illegible]	[illegible]

EPA ENFORCEMENT

A PROGRESS REPORT

DECEMBER 1974
to
DECEMBER 1975

◆ AIR ◆ NOISE ◆
◆ PESTICIDES ◆ WATER ◆

RUSSELL E. TRAIN
ADMINISTRATOR

STANLEY W. LEGRO
ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT

U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
1976

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FOREWORD

The need to foster and maintain respect for our natural environment on a truly lasting basis requires the best efforts of all citizens and the mutual cooperation of all levels of government. This is a report of enforcement activities carried out directly by the United States Environmental Protection Agency during 1975 to enforce Federal environmental statutes and regulations. It is important to note that these Federal enforcement activities represent only a portion of the environmental enforcement activities in this country. The task for enforcing our Nation's environmental laws is shared with State and local governments. In many instances, the primary environmental regulation is accomplished by them, often with personnel and resources of the Office of Enforcement of the United States Environmental Protection Agency playing a major supporting role. While those enforcement support activities are generally not reflected in this report, cooperation with and support of environmental enforcement activities by State and local government remains a high priority item in carrying out the overall task of improving the quality of our Nation's environment.

EPA is perhaps the most decentralized of the Federal agencies and remains dedicated to achieving increasingly effective local-State-Federal cooperation in partnership. In discharging its enforcement responsibilities at the Federal level, and in exercising leadership and helping to set a tone for enforcement responsibilities at all levels of government, the Office of Enforcement follows a fair yet firm policy.

There are increasing indications that air and water quality is improving. We are making substantial progress as documented by this report. However, we can by no means become complacent or feel more than a brief sense of satisfaction at our accomplishments to date, because major tasks lie ahead before environmental quality has been achieved throughout our country.

Stanley W. Legro

Washington, D.C.

June 1976

Stanley W. Legro
Assistant Administrator
for Enforcement

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INSIDE BACK COVER: ERRATUM IN PREVIOUS EPA ENFORCEMENT REPORT, "EPA ENFORCEMENT -- TWO YEARS OF PROGRESS, DECEMBER 1972 - NOVEMBER 1974" (1975)

CHAPTER I

INTRODUCTION AND SUMMARY OF ACTIONS AND RESULTS

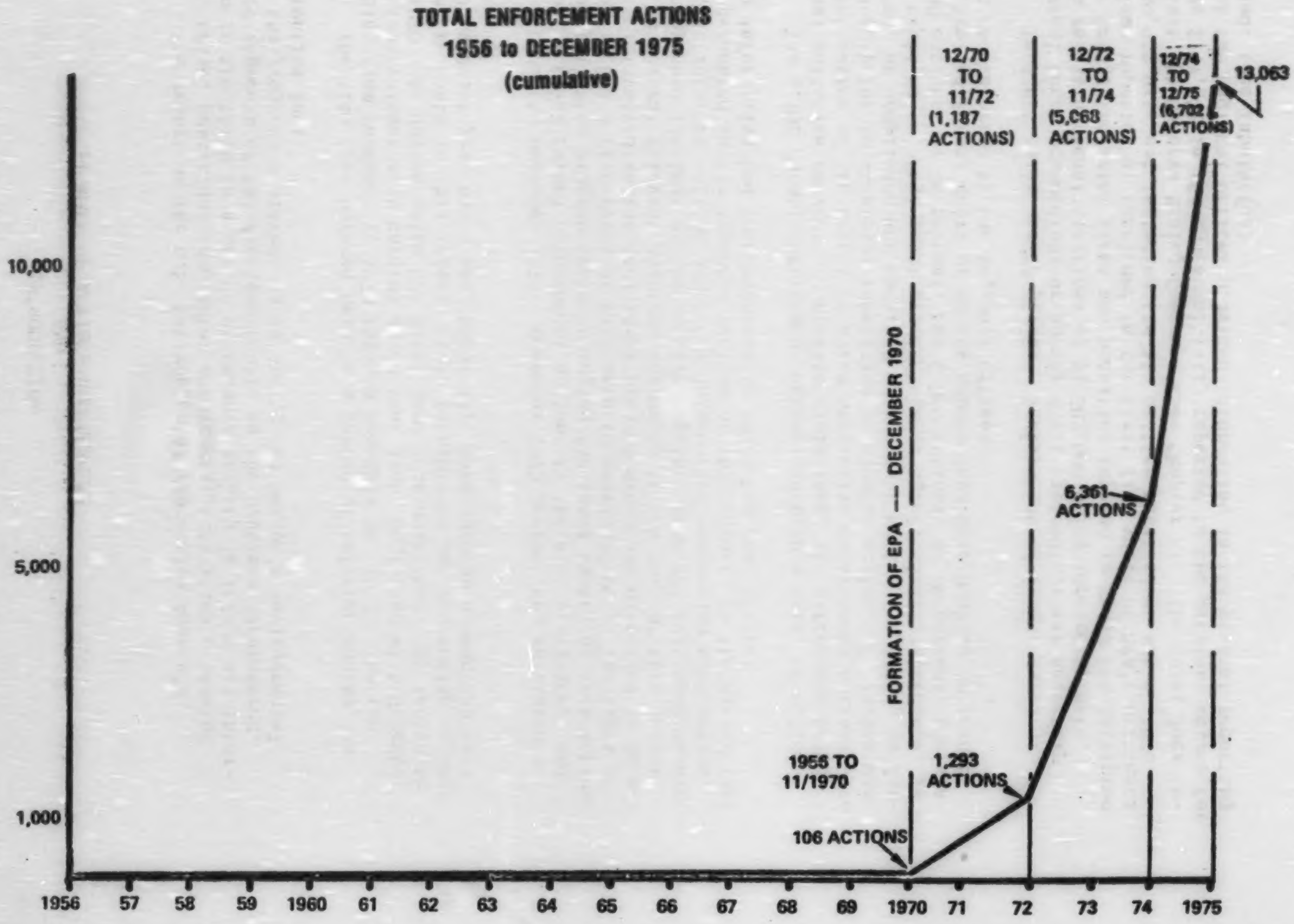
The report on the U.S. Environmental Protection Agency's air, noise, pesticides, and water enforcement activities presented here is the third in a series of volumes seeking to inform all interested segments of the American Public on the problems encountered, and the progress achieved, in enforcing the Nation's environmental protection laws.

The time span covered here is a period of thirteen months, extending from December 1, 1974 through December 31, 1975. The two previous volumes each covered a two-year span, beginning with December 2, 1970, the day on which EPA first came into existence. By including an extra month in this report, it is possible to put succeeding volumes on a calendar year basis and, hopefully, make such an accounting each year.

Over the December 1974 - December 1975 period, EPA initiated a total of 6,702 formal enforcement actions in the air, pesticides, and water pollution program areas, bringing the total number of such actions taken in EPA's five years of existence to nearly 13,000. The types of actions involved in the individual program areas are discussed in detail in the several relevant chapters following in the text of this report. Name-by-name listings of the entities against whom EPA initiated enforcement actions, as well as other key information concerning each action, are presented in the Appendix section of this report, to the extent that such information had been reported by EPA's Regional Offices.

The 6,702 formal enforcement actions involve a total of 6,579 actual pollution sources or separate violations, the difference being an indication of the extent to which successive enforcement actions were pursued prior to obtaining compliance or cleanup action. Pollution was abated, or compliance was obtained or underway without resorting to formal civil or criminal court proceedings or agency civil proceedings, in 2,398 actions, or 36 percent. For 2,360 actions, or 36 percent, administrative and formal court or agency proceedings were pending or results were not reported by the Regional Offices.

In 1.821 cases, or 28 percent, institution of formal civil or criminal court proceedings or agency civil proceedings was necessary, with resulting penalties/fines of $1,382,608 being imposed to date. This brings the total fines and penalties imposed in 2,472 EPA-initiated actions reported as concluded in the first five years of EPA's existence to $9,932,841, not including the $1+ million assessed on May 4, 1976 against the Reserve Mining Company. (See Chapter V). The total does include $194,331 in 154 cases initially reported in the previous volume for which the Regional Offices provided information in the present reporting period. (See Tabulation)



TOTAL ENFORCEMENT ACTIONS
1956 to DECEMBER 1975
(cumulative)

SUMMARY OF DISPOSITION AND RESULTS OF AIR, PESTICIDES, AND WATER ENFORCEMENT ACTIONS

(As of December 1975)

A. ENFORCEMENT ACTIONS INITIATED BY EPA DECEMBER 1, 1974 THROUGH DECEMBER 31, 1975

ITEM	AIR		PESTICIDES	WATER	TOTAL
	STATIONARY SOURCES	MOBILE SOURCES			
Total Actions Initiated	703	774	1,905	3,320	6,702
Number of Actual Pollution Sources or Violations Involved: *	580 **	774	1,905	3,320	6,579
RESULTS/STATUS:					
Pollution Abated or Compliance Obtained or Underway via Administrative Action	118 1/	336	1,542	402	2,398
Formal Civil/Criminal Court or Agency Civil Proceedings Concluded:	1/	331	228 2/	1,262 3/	1,821
Fines/Penalties Resulting	1/	$78,450	$362,818	$941,340	$1,382,608
Administrative and Formal Court or Agency Proceedings Pending or Disposition not Reported by the Regions	462 1/	107	135	1,656	2,360

B. UPDATE ON DISPOSITION OF ACTIONS REPORTED PENDING IN PREVIOUS EPA REPORT

ITEM	AIR		PESTICIDES	WATER	TOTAL
	STATIONARY SOURCES	MOBILE SOURCES			
Total Actions Reported as Pending - November 30, 1974	159	6	247	892	1,304
Number of Actions Concluded in Subsequent 13-months Period:	Not Rept'd	3	151	Not Rept'd	154
Fines/Penalties Resulting	--	$2,450	$191,881	--	$194,331

* The total number of actions initiated includes successive enforcement steps against any single source or violator not in compliance following EPA's initial action; the results are therefore reported in terms of actual sources/violations only.

** Derived from name lists cited in the Appendix portion of this report.

1/ EPA Regional Offices no longer report on status/results of individual actions; the 118 actions cited are Consent Orders issued during the period. 2/ Includes all actions under the EPA-administered Civil Penalty Program. 3/ Includes Coast Guard-administered Civil Penalty Program for Oil Spills, and EPA-administered Spill Prevention Control and Countermeasures (SPCC) Civil Penalty Program, both under Section 311 of FPWCA.

Turning from the "book-keeping" aspect, EPA's various enforcement activities -- pursued in cooperation with the States and local enforcement authorities -- are highlighted below, and the full range of efforts is addressed in detail in the chapters which follow.

ENFORCEMENT MILESTONES AND HIGHLIGHTS

FROM DECEMBER 1974

AIR --- WITH THE STATES, IDENTIFIED MORE THAN 21,000 MAJOR AIR POLLUTANT EMISSION SOURCES, BRINGING MORE THAN 18,300 MAJOR STATIONARY SOURCE EMITTERS INTO COMPLIANCE OR PLACING THEM ON CLEANUP SCHEDULES

--- COMPLIANCE WITH AIR POLLUTION REGULATIONS BY STATIONARY SOURCES NOW ESTIMATED TO KEEP 26+ MILLION TONS OF PARTICULATE MATTER AND 7.6 MILLION TONS OF SULFUR OXIDES OUT OF THE AIR YEARLY. TARGET REDUCTIONS UPON FULL SIP COMPLIANCE WILL BE 97+ MILLION TONS AND 21 MILLION TONS PER YEAR FOR THESE RESPECTIVE POLLUTANTS

--- SECURED FIRST CRIMINAL CONVICTION UNDER THE CLEAN AIR ACT (U.S. VS. WABASH ALLOYS)

--- MET WITH SIGNIFICANT SUCCESS IN PLACING INTEGRATED IRON AND STEEL MAKING FACILITIES ON ENFORCEABLE COMPLIANCE SCHEDULES (KAISER STEEL-FONTANA, CA WORKS); US STEEL-ENSLEY, AL. WORKS AGREED TO ENTER INTO CONSENT DECREES IN SETTLEMENT OF PENDING CIVIL LITIGATION. ALSO NEGOTIATED CONSENT ORDERS WITH SEVERAL OTHER MAJOR IRON AND STEEL FACILITIES (JONES & LAUGHLIN-PITTSBURGH, PA. WORKS; INLAND STEEL-INDIANA HARBOR WORKS; REPUBLIC STEEL-CHICAGO, IL. WORKS)

--- CONDUCTED 18,500 INSPECTIONS OF SERVICE STATIONS TO ENSURE COMPLIANCE WITH UNLEADED FUEL REGULATIONS

--- SECURED THE VOLUNTARY RECALL BY AUTOMOBILE MANUFACTURERS OF 1,185,768 VEHICLES TO CORRECT EMISSION-RELATED DEFECTS

NOISE --- DEVELOPED ENFORCEMENT STRATEGIES FOR NEW PRODUCT EMISSION STANDARDS FOR MEDIUM AND HEAVY DUTY TRUCKS AND PORTABLE AIR COMPRESSORS

--- ESTABLISHED A STANDARD TEST FACILITY IN SUPPORT OF NEW PRODUCT NOISE ENFORCEMENT

--- PROVIDED DIRECTION TO STATE AND LOCAL IN-USE NOISE ENFORCEMENT PROGRAMS THROUGH DEVELOPMENT OF A MODEL STATE ENFORCEMENT PROGRAM

PESTI- --- DEVELOPED AND IMPLEMENTED PESTICIDE USE COMPLIANCE PROGRAM
CIDES --- PUBLISHED SERIES OF PESTICIDE ENFORCEMENT POLICY STATEMENTS AND ESTABLISHED PESTICIDE ENFORCEMENT MISUSE REVIEW COMMITTEE TO REVIEW CASES AND DEVELOP RELEVANT POLICY

--- IMPLEMENTED MEMORANDA OF UNDERSTANDING WITH OTHER FEDERAL AGENCIES TO IMPROVE EXCHANGE OF INFORMATION

--- INITIATED 1,900+ ENFORCEMENT ACTIONS AGAINST VIOLATORS; CONTINUED TO ASSIST THE STATES

WATER --- WITH THE STATES, ACHIEVED IMPROVED COMPLIANCE OF MAJOR INDUSTRIAL FACILITIES WITH NPDES PERMIT SCHEDULES (82% AS OF DECEMBER 31, 1975)

--- INITIATED 3,300+ ENFORCEMENT ACTIONS; SECURED PENALTIES/FINES OF $941,340 IN 1,052 FORMAL ACTIONS CONCLUDED THUS FAR

--- APPROVED STATE ADMINISTRATION OF NPDES PERMIT PROGRAM FOR NINE ADDITIONAL STATES; 27 STATES NOW ADMINISTER THEIR OWN NPDES PERMIT PROGRAMS

--- WORKED WITH CORPS OF ENGINEERS TO ACHIEVE EFFECTIVE ENFORCEMENT MECHANISM TO SAFEGUARD OUR PRECIOUS WETLANDS AND OTHER NATURAL RESOURCES AGAINST POLLUTION FROM DREDGE AND FILL ACTIVITIES

CHAPTER II - A

STATIONARY SOURCE AIR POLLUTION ENFORCEMENT

CLEAN AIR ACT (42 U.S.C. 1857 et seq.)
SECTIONS 110, 111, 112, 119

SECTION 110 -- STATE IMPLEMENTATION PLANS (SIP'S)

The Clean Air Act establishes a stringent timetable for the States and EPA to abate air pollution. With a few notable exceptions (e.g. sulfur oxide emission limitations for Ohio, Indiana, and Illinois), all States now have fully enforceable emission limitations at levels protective of health and welfare for stationary installations which are the source of the large majority of particulate and sulfur oxide emissions.

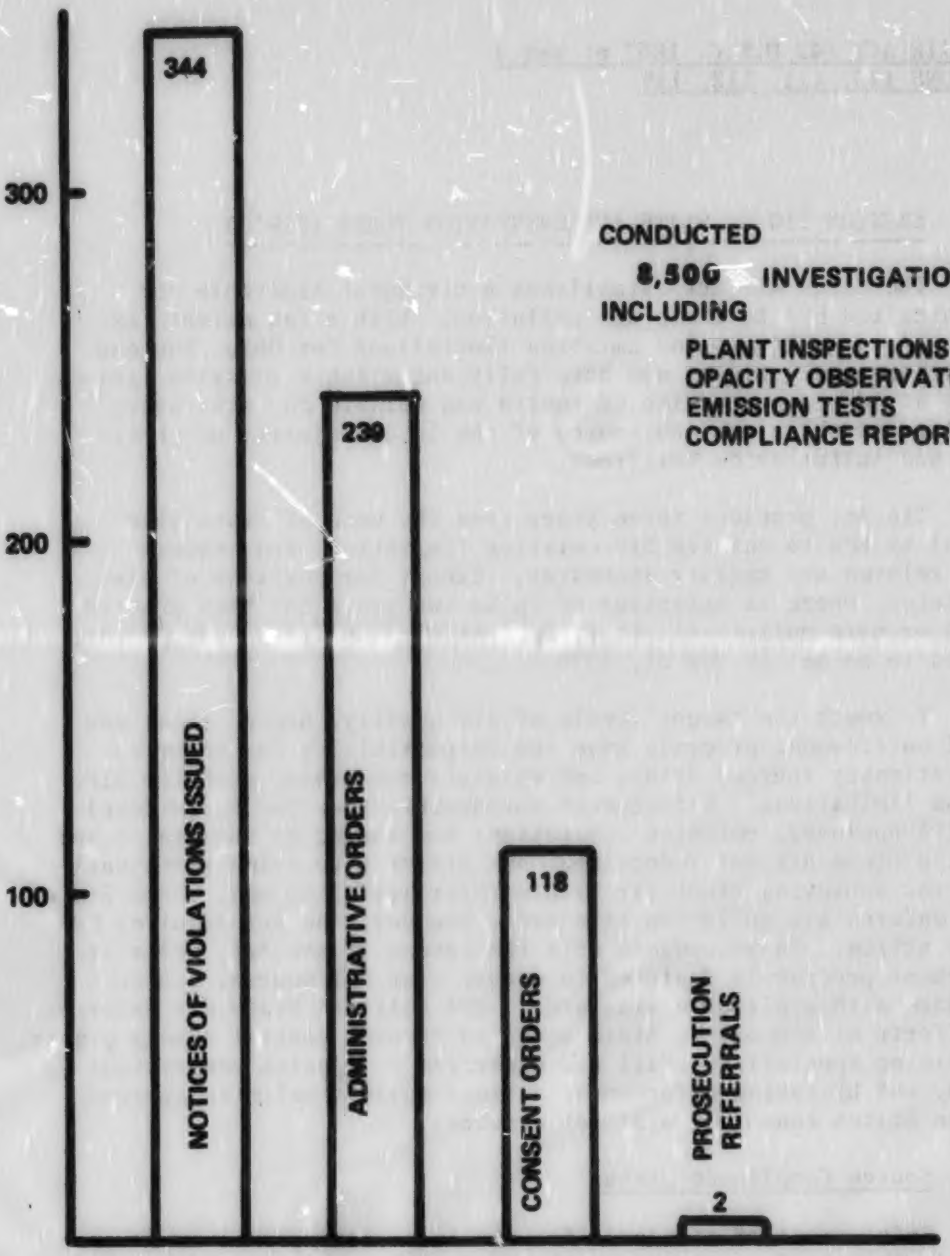
The Act provides three years from the date of State plan approval by EPA to enforce SIP emission limitations and achieve health-related air quality standards. Except for portions of sixteen States, where an extension of up to two years has been granted for one or more pollutants, these ambient air quality standards were required to be met by May 31, 1975.

To reach the target levels of air quality, State, local and Federal enforcement programs have the responsibility for ensuring that stationary sources attain and maintain compliance with the SIP emission limitations. Enforcement responsibilities for State-developed, EPA-approved, emission limitations are shared by the States and EPA. The Clean Air Act recognizes that States have primary responsibility for achieving clean air within their jurisdictions. When States do not enforce air pollution standards, however, the Act requires EPA to take action. In accordance with the intent of the Act, EPA's air enforcement program is designed to ensure that all sources achieve compliance with applicable standards. EPA bolsters State air enforcement efforts by supporting State agencies through control agency grants, by providing specialized skill and expertise or special contractual efforts, and by taking enforcement actions against selected sources when the States cannot or will not enforce.

Source Compliance Status

Enforcement of standards for stationary sources is an immense task, viewing the fact that more than 200,000 stationary sources are

STATIONARY SOURCE AIR POLLUTION ENFORCEMENT
DECEMBER 1974 -- DECEMBER 1975
(BY CATEGORY)



CONDUCTED
8,500 INVESTIGATIONS
INCLUDING
PLANT INSPECTIONS
OPACITY OBSERVATIONS
EMISSION TESTS
COMPLIANCE REPORTS

TOTAL FORMAL ENFORCEMENT ACTIONS OVER 13–MONTHS: 703

STATE IMPLEMENTATION PLANS (SIP) — 654
NEW SOURCE PERFORMANCE STANDARDS (NSPS) — 36
HAZARDOUS AIR POLLUTANTS–(NESHAPS) — 13

now subject to the SIP emission limitations. Nearly 22,000 of these are major emitters, a category defined as facilities individually capable of emitting more than 100 tons of pollutants each year. As a class, these major sources produce about 85 percent of all air pollution from stationary sources. Enforcement programs have thus focused on ensuring compliance by the major sources in order to achieve the greatest possible emission reductions in the shortest possible time frame, consistent with the purposes of the Clean Air Act.

Concentrated efforts expended in this area have resulted in a highly successful program. By December 1975, the States and EPA had identified 21,670 major sources and had brought 18,327 (85 percent) of these into final compliance, or had placed them on firm schedules leading to compliance in the very near future. At year's end, 16,969 major emitters were in final compliance, and 1,358 were complying with cleanup schedules. The compliance level is expected to climb to about 90 percent by the end of Fiscal Year 1976. (See tabulation).

In the 13-months period, December 1974 through December 1975, EPA conducted some 8,500 investigations, including plant inspections, opacity observations, emission tests, and compliance reports, and initiated more than 650 formal enforcement actions involving approximately 550+actual sources or violations. At the same time, the States undertook clearly the largest portion of the compliance program, conducting the bulk of the total nationwide field investigation effort and initiating many thousands of enforcement actions to bring sources into compliance with SIP emission limitations.

Overall Reduction in Pollutant Emissions

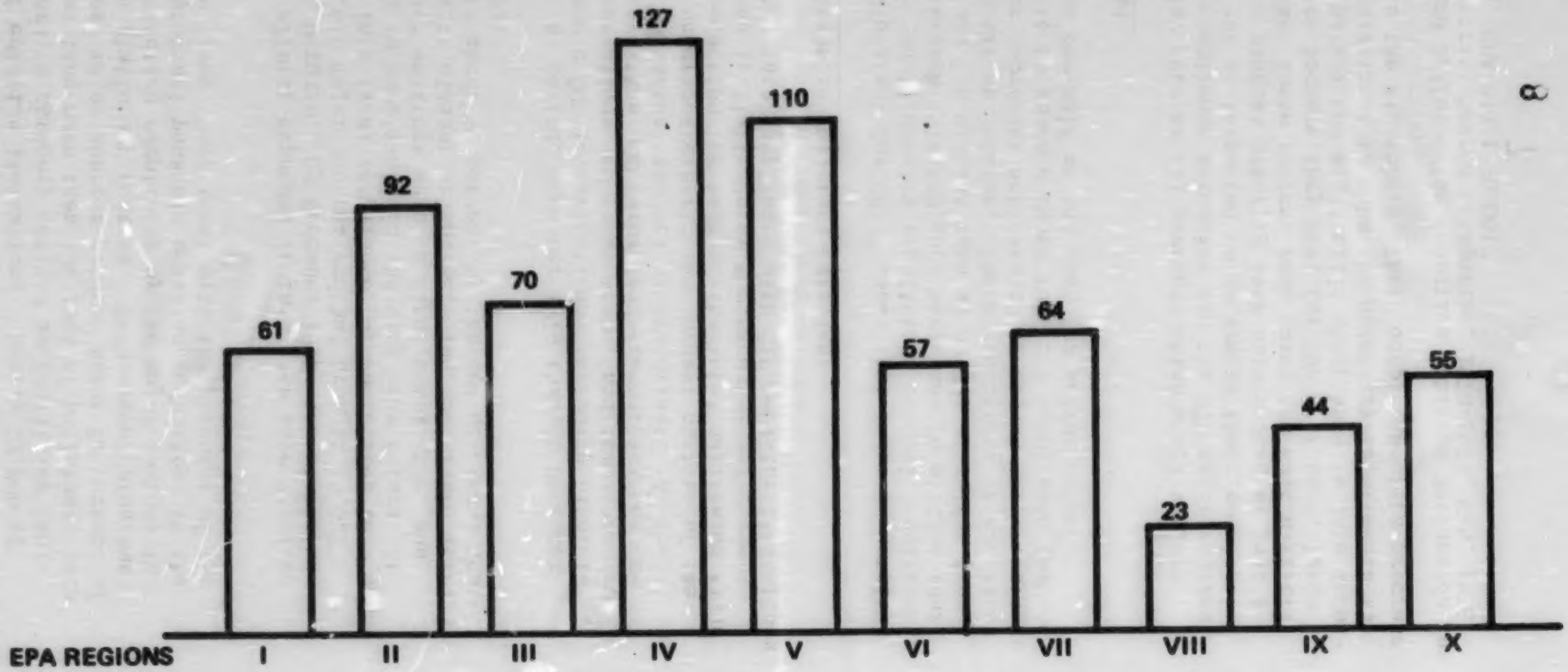
A February 1976 study for EPA * shows that industry compliance with local, State, and Federal air pollution control requirements over the period 1970 through 1974 had kept more than 26 million tons of particulate matter and 7.6 million tons of oxides of sulfur from being emitted into the air we breathe. These reductions in emissions from stationary sources represent achievement of abouth three-quarters of the reduction goal to be reached under full SIP compliance for particulates, and about one-half of the goal for sulfur oxides.

The Task Ahead

The 2,464 major sources (11 percent) which still violate emission standards or compliance schedules and the 879 major sources whose operations must yet be inspected to determine their compliance status, constituted the highest priority task outstanding at year's end. It is expected that these sources rank among the most difficult to bring into compliance because they are, for the most part, large sources such as power plants and steel mills which have to date demonstrated considerable reluctance to make the necessary commitments to curb their emissions to the atmosphere. Thus, despite decided progress

*"Particulate and Sulfur Oxide Reduction Achieved Nationwide for Selected Industrial Source Categories, 1970-1974, Feb. 1976 EPA Report No. EPA-340/1-76-001"

STATIONARY SOURCE AIR ENFORCEMENT ACTIONS
INITIATED BY EPA REGIONS
DECEMBER 1, 1974 - DECEMBER 31, 1975



COMPLIANCE STATUS OF MAJOR EMITTERS BY REGION
DECEMBER 31, 1975

EPA Region	Total point sources identified	Compliance status Sources complying with standards or schedules	Sources violating standards or schedules	Sources of unknown compliance status
I	1240	946	244	50
II	1791	1472	214	105
III	2921	2436	430	55
IV	4718	4270	391	57
V	3758	2827	708	223
VI	1755	1339	181	235
VII	1716	1589	60	67
VIII	644	561	78	5
IX	2348	2187	104	57
X	779	700	54	25
Total	21,670	18,327	2,464	879

in SIP enforcement, State and Federal tasks with respect to large-source compliance are not yet completed.

Most of the remaining major violators and most of the major sources of unknown compliance status are located in Air Quality Control Regions (AQCR's) which are not expected to attain the primary (health-related) National Ambient Air Quality Standards (NAAQS) in a timely way, making enforcement against such sources a priority of paramount importance.

In addition, it is estimated that about 130,000 smaller emitters (each having potential emissions of between 10 and 100 tons per year) are located in these areas where standards are not expected to be met.

States and EPA are now conducting extensive analyses to determine the reasons for poor air quality in each of the non-attainment areas of the country. These analyses are expected to be largely completed by July 1976, and will specifically identify for each AQCR those major and minor sources which are contributing to non-attainment problems. Preliminary analysis indicates that the minor sources making the largest contributions to air quality problems include such stationary sources as small industrial, commercial, and residential boilers; small incinerators, such as apartment house incinerators; dry-cleaning operations; bulk storage tanks; cement handling equipment; cotton gins; feed and grain mills; and chemical plants. As the causes of non-attainment are identified in these complex analyses, and as the problem categories of sources are pinpointed, strategies will be devised and followed to bring violating sources into compliance.

PROBLEM MAJOR SOURCE CATEGORIES REGULATED UNDER SECTION 110

Several categories of major sources are still posing substantial problems across the Nation in not achieving compliance with emission standards within the time limits prescribed by the Act. Notable among these sources are coal-fired power plants, integrated iron and steel manufacturing plants and coking facilities, and primary smelters. EPA has undertaken special efforts to achieve compliance by these sources, and continues to bring pressure to bear on the owners and operators of these plants to reduce their pollutant emissions to levels specified in the relevant emission limitations.

In general, these three source categories have the most difficult air compliance problem because of the amount of control required and the associated costs of the control techniques needing application. For coal-fired power plants, control of sulfur dioxide emissions is the major concern. Flue gas desulfurization systems (scrubbers) and low-sulfur fuels are two major approaches to the reduction of power plant emissions. On the other hand, control of fugitive particulate emissions is the most difficult problem for iron and steel mills and coke plants. This problem is underscored by the large degree of non-compliance at coking facilities. For primary copper, lead, and zinc smelters, control of sulfur dioxide emissions is a major difficulty; plants producing sulfuric acid are commonly required to remove the sulfur dioxide from stack gases. These industries accounted for about one-third of the total emissions of particulates and about two-thirds of the total emissions of sulfur dioxide in 1974. For this reason, compliance by all of these sources is crucial to the attainment of the ambient air quality standards in many AQCR's.

Coal-Fired Power Plants

Control of emissions from power plants is essential to the attainment of the health-related air quality standards for sulfur oxides in many areas of the Nation. As a class, coal-fired steam electric plants emit about 60 percent of the total SO_x produced by all sources. During the summer of 1973, it became increasingly apparent to EPA that progress to meet applicable State SO_x limitations by this sector of industry was lagging severely. New supplies of low-sulfur coal, the favored approach to reducing sulfur oxide emissions, were becoming increasingly scarce, and utilities were extremely reluctant to use flue gas desulfurization equipment to remove SO_x from the stack after burning high-sulfur coals.

National public hearings were held in the fall of 1973 to determine the validity of the utilities' contentions regarding optional means of compliance. After hearing testimony from a variety of expert witnesses and other interested parties, the 1973 Hearing Panel concluded that the basic technological problems associated with flue gas desulfurization (FGD) had been solved or were within the scope of current engineering capability and, further, that FGD could be applied at reasonable cost. A special EPA enforcement program was then initiated for power plants on the basis of these findings.

At that time, it was estimated that approximately 50 percent of some 394 coal-fired power plants in the Nation were violating applicable SIP emission limitations. Significant progress has been made in improving compliance levels since these hearings. Of the total 394 coal-fired power plants, 261 plants now comply with final emission limitations or abatement schedules, up from an estimated 200 in the fall of 1973. Forty-seven of the 394 plants are located in Ohio, where no SO_x control plan is now in effect. In November 1975, EPA proposed emission limitations for SO_x applicable to Ohio power plants, and these regulations are expected to be promulgated in final form in mid-1976.

Another 29 plants are located in Indiana, where the State Circuit Court recently vacated the SO_x plan. The State of Indiana is currently appealing this decision, but it is possible that EPA may yet have to promulgate a new SIP requirement to cover these plants. An additional 26 of the 394 plants are in Illinois where the SO_x plan was also vacated recently. EPA and the State of Illinois are now gathering data in support of a new SO_x plan.

The remaining 31 plants are known to be out of compliance, and action is being taken where possible. SIP revisions are underway for 7 of these plants; standards for 6 plants are being challenged under Section 307 of the Clean Air Act; a legal stay of enforcement is in effect for one plant pending outcome of litigation; ten plants are part of the Tennessee Valley Authority (TVA) system with which EPA is currently negotiating for a consent agreement; three plants are subject to conversion -to-coal orders by the Federal Energy Administration and will require compliance date extensions; two plants have received Notices of Violation; one source is in the process of negotiating a consent agreement with EPA; and action is now being planned respecting the final remaining source. In all, the primary compliance problems remaining with respect to power plants center on resolving the Ohio, Indiana, and Illinois situations.

Another indicator of EPA's effectiveness in cleaning up SO_x emissions from power plants is the increased commitment to FGD systems since the 1973 public hearings. At that time, some 44 units were installed, under, construction, or planned nationwide. By December 1975, this figure had more than doubled to a total of 115 plants, of which 28 are operational, 18 under construction, and 69 in some stages of planning. These units total nearly 45,000 megawatts of generating capacity -- about one-half the estimated need to achieve 100 percent compliance with SO_x regulations by 1980. The number of units now on line has nearly tripled, from 10 to 28, and the bulk of the 115 units will have started up before 1980. Some are scheduled for startup beyond 1980, and others have unknown on line dates because their installation must await the startup of new plants.

Primary Non-Ferrous Smelters

Though small in number, the Nation's 25 non-ferrous smelters account for about 10 percent of the total sulfur oxides emitted by stationary sources. Most of the Agency's problems in assuring compliance by non-ferrous smelters have centered in the western United States, where six State Implementation Plans for SO_x, affecting 13 smelters, were disapproved in 1972 as inadequate to meet the NAAQS unless the smelters were controlled. Another smelter was affected when EPA disapproved the entire Ohio SIP for SO_2 in April 1974. Regulations have been promulgated for 4 of these smelters and proposed for the remaining ten. These regulations require application of reasonably available retrofit control technology and, if necessary, allow the interim use of Supplementary Control Systems (SCS) and tall stacks until adequate constant emission control techniques become reasonably available. Each smelter using SCS is further required to conduct a research and development program to hasten the development of such technology. One regulation recently promulgated by EPA was upheld by the Ninth Circuit Court of Appeals, but is under appeal to the U.S. Supreme Court. Two other challenges under Section 307 of the Clean Air Act are still outstanding.

All five smelters in the eastern United States are now in compliance with applicable regulations or are on appropriate schedules. In one case, EPA issued an Administrative Order to enfore the regulations; in another case, EPA issued a Notice of Violation. Generally, however, State control agencies are responding adequately to the situation, and Federal action is not required.

About one-half of the primary non-ferrous smelters are located in AQCR's where statutory attainment dates have been extended to July 1977. No major obstacles are anticipated that might prevent achievement of primary ambient standards in the vicinity of these sources by the mid-1977 deadlines by using SCS; however, installation of some constant control devices may not be completed before the attainment date. Those smelters subject to mid-1975 deadlines are, for the most part, now nearing compliance.

Iron and Steel Mills/Coke Plants

The iron and steel industry presents one of the most difficult compliance problems for State and Federal air pollution enforcement programs. There are 246 steel and coke-making installations in the United States, of which 218 produce iron and steel (and may or may not produce coke), while the remainder produce solely coke for use in metallurgical and other industries. Nearly all of these installations are located in areas where the health-related ambient air quality standards are not expected to be attained.

Within steel facilities, a number of basic processes are encountered, each presenting difficult technical problems from the standpoint of pollution abatement. The processes which are the largest sources of air pollution in the industry are by-product coke batteries, blast furnaces, sintering lines, open hearth furnaces, basic oxygen furnaces, and electric arc furnaces. There are nearly 1,200 of these major emission-producing steel processes; they characterize the basic means of producing iron and steel and are the subject of intensifying State and EPA enforcement attention.

As indicated in the tabulation (see separate page), the steel industry lags far behind other stationary sources in complying with SIP requirements. Fully 50 percent, or 589 of the industry's 1,178 major polluting processes have yet to comply with SIP emission limitations.

To date, local, State and Federal enforcement programs have placed 367 of the 589 steel processes in violation on schedules for achieving final compliance. As of December 31, 1975, EPA had initiated 79 enforcement actions, comprised of 43 Notices of Violation and 36 Enforcement Orders or prosecution referrals, at nearly 50 steel installations. Reflecting the increased emphasis EPA has given to steel industry compliance, 46 of these actions were taken in 1975, compared to 25 such actions in 1974, and 8 in 1973.

STATUS OF COMPLIANCE WITH EMISSION LIMITATIONS
MAJOR POLLUTING STEEL PROCESSES VS ALL MAJOR STATIONARY SOURCE INSTALLATIONS
FEBRUARY 1976

Major steel processes	Total number	Status of compliance with SIP emission limits		
		In compliance	In violation	Unknown status
Coke batteries	252	22	209	21
Sinter lines	71	13	45	13
Blast furnaces	190	110	63	17
Open hearth furnaces	211	39	107	65
Basic oxygen furnaces	92	20	54	18
Electric arc furnaces	362	173	111	78
Totals	1,178	377 (32%)	589 (50%)	212 (18%)
All major stationary source installations[a]	21,670	18,327 (85%)	2,464 (11%)	879 (4%)

[a] This comparison shows the compliance status of the steel industry in the most favorable light, since the compliance status of individual processes within steel facilities is being compared to the status of total installations with major potential air pollution problems (the source of the stationary source compliance figures is the EPA formal reporting system; under this system a facility having several processes, only one of which is in violation or of unknown status, must be classified as in violation or unknown as a whole).

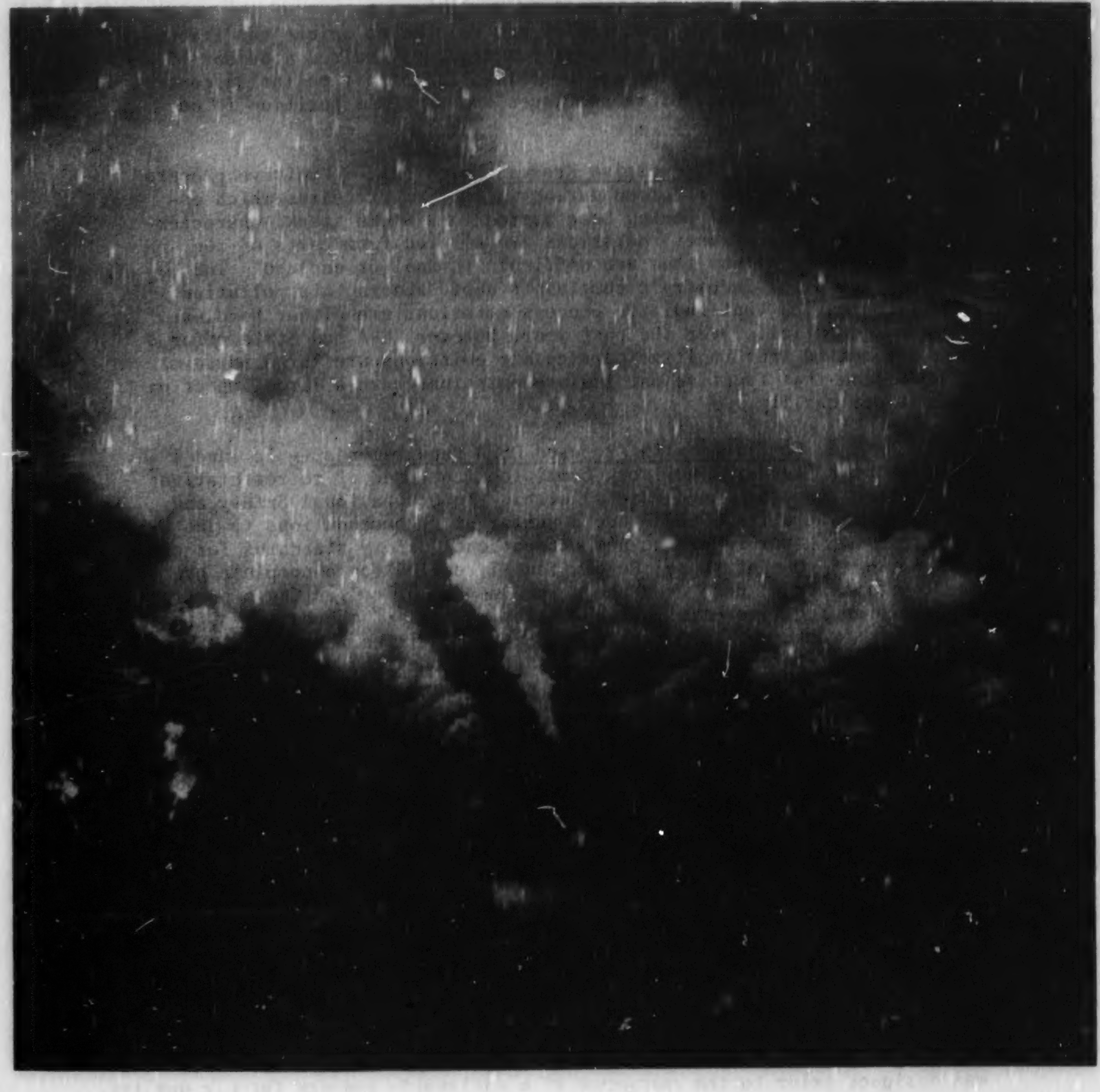
While the reasons for continued violations by any of the major polluting steel processes are complex and related to unique conditions at each facility, the steel industry has regularly raised a number of issues to argue for more time or for relaxation of air pollution control requirements. A summary of these issues and of EPA's position is outlined here:

1. Impact of Fugitive Process Emissions -- Fugitive process emissions are pollutants formed during industrial processes which escape to the air without having been ducted to a smoke stack. Characteristically, fugitive process emissions are emitted from parts of the steel making operations that are difficult to seal or enclose. The heart of the steel industry's complaints about abating air pollution is its contention that fugitive process emissions are either harmless or inconsequential. Over the past year, however, EPA and State efforts have documented that fugitive particulate emissions are large in terms of mass, and that fugitive particulate emissions have a large impact on ambient air quality.

2. Conflicts with Proposed OSHA Requirements -- In June 1975, the Coke Oven Standards Advisory Committee (composed of representatives of the steel companies and unions) within the Occupational Safety and Health Administration (OSHA) made a number of recommendations to the U.S. Department of Labor regarding new occupational safety standards for coke oven workers. One of these, Resolution #7, called for a complete ban on the construction of coke oven sheds (one method of collecting a portion of coke oven fugitive emissions by enclosing part of the battery with a shed-like structure). EPA testified to the Committee that the NIOSH (National Institute of Occupational Safety and Health) test data used to support Resolution #7 were improperly construed -- that the data in fact showed that the addition of a coke oven shed caused no statistically significant increase in worker exposure to air pollutants. Data from EPA tests of coke oven sheds also support this position. After reviewing the record of the Committee, the Department of Labor agreed with EPA's position and proposed regulations on July 31, 1975, stating that "...it is OSHA's opinion that the application of well designed emission control technology will not necessarily preclude the attainment of the level of worker health protection provided by this proposal...." 1/

3. Economic Problems -- In general, the steel industry has made a variety of arguments to the end that the costs of controlling air pollution (especially fugitive emissions) far exceed any benefits. Nearly all steel mills in the U.S. were established prior to World War II, and many continue to operate older equipment. Much of the problem in air pollution control at existing steel installations therefore centers on controlling fugitive air pollutants from equipment, such as coke ovens, which was designed prior to the emergence of a nationwide concern for air quality.

1/ FEDERAL REGISTER, Vol. 40, p.32273, July 31, 1975



-- AIR-POLLUTING EMISSIONS FROM OPEN HEARTH STEELMAKING FURNACES -- (Overflight in April 1975; Photo courtesy of NATIONAL ENFORCEMENT INVESTIGATIONS CENTER (NEIC), REMOTE SENSING OPERATIONS, Office of Enforcement, USEPA

The industry's complaints about costs of air pollution abatement were summarized in a report prepared for the American Iron and Steel Institute, 2/ which concluded that about twice as much money would be needed to comply with clean air requirements as had been previously estimated. EPA has reviewed its cost studies and has concluded that the industry's cost figures are much too high. The complexity of the industry makes accuracy in estimation very difficult; nevertheless, a comparison of EPA and industry abatement cost estimates through 1983 is presented below:

COSTS FOR ABATING:	EPA	INDUSTRY
	(In Billions of Dollars)	
Stack emissions	2.66	3.18
Fugitive emissions	1.61	3.70
Total	4.27	6.88

4. Energy Issues -- The steel industry contends that the large amounts of energy needed to abate air pollution conflict with national energy policy. The American Iron and Steel Institute has argued this issue in eight case studies prepared for the Federal Energy Administration and in the study it commissioned Arthur D. Little, Inc. to conduct. For each case, EPA has shown that the industry's estimates of energy needs for air pollution abatement are greatly exaggerated because they are based on application of the most energy-intensive control techniques and do not consider the recycling of energy now wasted in heat and combustible gases.

2/ "STEEL AND THE ENVIRONMENT: A COST IMPACT ANALYSIS", May 1975 Report prepared by Arthur D. Little, Inc. for the American Iron and Steel Institute

SECTION 111 -- NEW SOURCE PERFORMANCE STANDARDS (NSPS)

The first group of standards covering new stationary sources of air pollution were promulgated in December 1971, pursuant to the provisions of Section 111 of the Clean Air Act. This initial group included steam electric power plants, municipal incinerators, nitric and sulfuric acid plants, and asphalt cement plants.

By the end of 1975, the NSPS program had grown to cover new sources in 24 industrial categories. As of December 1975, some 300 new sources had received regulatory coverage, and a national compliance level of about 90 percent had been achieved.

In accomplishing this objective, EPA conducted more than 100 field inspections in 1975, and initiated 36 enforcement actions.

As additional new source categories receive regulatory coverage, and as additional sources now under construction commence operations, the NSPS program will assume increasing relative importance within the framework of attaining, and maintaining, ambient air quality standards.

In view of this, as well as in view of the expected growth in the associated workload, EPA is undertaking efforts to delegate enforcement authority to State and local air pollution control agencies for maximum effective coverage. By December 1975, authority to carry out the NSPS program had been officially delegated to 15 State and 12 local agencies, and proposals for delegation were being discussed with many others.

SECTION 112 -- NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

On October 14, 1975, EPA promulgated amendments to NESHAPS regulations for asbestos and mercury. These regulations establish asbestos emission standards for the manufacturing of shotgun shells and asphalt concrete, the fabrication of various asbestos products including cement building products and friction products, the disposal of asbestos wastes, as well as standards for mercury emissions for sewage sludge incineration and drying operations.

On December 24, 1975, EPA also proposed standards for the control of vinyl chloride emission from ethylene dichloride, vinyl chloride, and polyvinyl chloride plants.

By December 1975, EPA had determined that 770 industrial sources are subject to promulgated NESHAPS requirements. Ninety-six percent of these sources are in compliance either with the standards or with increments of progress specified in EPA approved schedules. Also by the end of 1975, twelve States and twelve local agencies had requested and were delegated enforcement authority for NESHAPS.

First Criminal Conviction for NESHAPS violation -- In April of 1976, a Florida demolition company and its superintendent were found guilty by the U.S. District Court in New Orleans of criminally violating NESHAPS regulations for the safe removal of hazardous asbestos insulation from a building being demolished. Big Chief Wrecking Company of Fort Lauderdale, Florida, and its foreman in charge of the demolition leading to the enforcement action thus became the first violators to be criminally convicted under Section 112 of the Clean Air Act.

The complaint leading to conviction of Big Chief Wrecking Company was filed at EPA's request on January 6, 1975, by U.S. Attorney Gerald J. Gallinghouse's office in New Orleans. The EPA procedures, issued in 1973, require the wetting of asbestos materials and their removal in dust-tight containers prior to the general destruction of a building. Numerous studies by medical researchers had shown an association between occupational exposure to asbestos in the air, and a higher-than-expected incidence of bronchial cancer. Asbestos is also considered a causal factor in cancers occurring in the membranes lining the chest and abdomen.

Some of the demolition workers at the site at the time the violation occurred -- the destruction of the Old Hotel Dieu Hospital in New Orleans -- testified during the trial that they were never warned of the asbestos hazards by the foreman, despite a visit by EPA inspectors. Under the Clean Air Act, the maximum allowable penalties are one year imprisonment and a $25,000 fine per day of violation.

It is estimated that some 3,300 major demolition operations occur nationwide each year. EPA will continue to press for compliance with these important public health protection measures.

SECTION 119 -- ENERGY RELATED AUTHORITY

The Energy Supply and Environmental Coordination Act (ESECA) of 1974 (42 U.S.C. 1857, Supp. 1975) amended the Clean Air Act, adding Section 119 to "....provide a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment....."

Under ESECA's provisions, the Federal Energy Administration is empowered to prohibit the use of petroleum products and natural gas at power plants and other major fuel-burning installations in order to further the primary goal of fuel savings. In recognition of the increase in emissions which result from conversions to coal, EPA is provided an integral role to insure that primary standards are not exceeded while FEA prohibition orders are in effect and to insure expeditious compliance with applicable SIP requirements.

Whenever the FEA Administrator issues an order to a fuel burning source under Section 2(a) of ESECA which will apply after June 30, 1975, the Administrator of EPA is required to notify FEA if the source can burn coal and comply immediately with all applicable air pollution requirements without compliance date extension. If such notification is not given, then the EPA Administrator must certify to FEA: (1) when a source which is receiving a compliance date extension can comply with primary standard conditions and/or regional limitations; or (2) when a source not receiving a compliance date extension can comply with all air pollution control requirements.

As of January 1, 1976, the Administrator of EPA has notified FEA that four plants can burn coal and comply immediately with all air pollution control requirements without a compliance date extension. The plants are: (1) Ames Station, Unit 7, Ames Electric Utility, Ames, Iowa; (2) Maynard Station, Unit 14, Iowa Public Service Company, Waterloo, Iowa; (3) Des Moines Station, Unit 11, Iowa Power Light Company, Des Moines, Iowa; and (4) Weston Station, Unit 2, Wisconsin Public Service Corporation, Rothchild, Wisconsin.

In January of 1975, temporary suspensions of applicable stationary source fuel and emissions limitations became effective for three facilities in Massachusetts; these included the New England Power Company's Brayton Point and Salem Harbor stations and Montaup Electric Company's Somerset Station. Each of these suspensions expired, as Section 119(b) directs, on June 30, 1975. No other temporary suspensions were sought or granted.

STATIONARY SOURCE AIR POLLUTION ENFORCEMENT ACTIONS INITIATED BY EPA
DECEMBER 1, 1974 - DECEMBER 31, 1975

By Category, By EPA Region

CATEGORY	EPA Region 1	2	3	4	5	6	7	8	9	10	10-REGION TOTAL
A. Standard Implementation Plans (SIP):											
Notices of Violation	18	39	17	83	58	41	4	18	21	19	318
Administrative Orders	31	23	28	28	14	13	54	3	16	7	217
Consent Orders	7	12	20	16	34	3	5	-	1	20	118
Ref'ls for Prosecution	1	-	-	-	-	-	-	-	-	-	1
TOTAL SIP ACTIONS:	57	74	65	127	106	57	63	21	38	46	654
B. NSPS:*											
Notices of Violation	-	8	-	-	4	-	-	1	3	6	22
Orders	-	7	1	-	-	-	-	1	2	2	13
Ref'ls for Prosecution	-	-	-	-	-	-	-	-	1	-	1
TOTAL NSPS ACTIONS:	-	15	1	-	4	-	-	2	6	8	36
C. NESHAPS**											
Notices of Violation	3	-	-	-	-	-	-	-	-	1	4
Orders	1	3	4	-	-	-	1	-	-	-	9
TOTAL NESHAPS:	4	3	4	-	-	-	1	-	-	1	13
TOTAL ENFORCEMENT ACTIONS:	61	92	70	127	110	57	64	23	44	55	703 1/

*NSPS = New Source Performance Standards (per Sect. 111 of Clean Air Act)

**NESHAPS = National Emission Standards for Hazardous Air Pollutants (S. 112 of CAA)

1/ Includes successive actions taken against individual sources; a total of 582 separate entities/violations are involved.

STATIONARY SOURCE AIR POLLUTION ENFORCEMENT ACTIONS INITIATED BY EPA
12/1/1974 Through 12/31/1975

BY MONTH

Month/Year	TOTAL NUMBER OF ACTIONS INITIATED (SIP, NSPS, NESHAPS)*
Dec 1974	50
Jan 1975	39
Feb 1975	30
Mar 1975	69
Apr 1975	36
May 1975	39
Jun 1975	76
Jul 1975	77
Aug 1975	78
Sep 1975	43
Oct 1975	44
Nov 1975	64
Dec 1975	54
10-Region Total for 13-Months Period...........	703 1/

* Includes formal enforcement actions only (Notices of Violation, Administrative Orders, Consent Orders, and Referrals for Prosecution to the U.S. Attorney) under the following Sections of the Clean Air Act, as amended:

Section 110 -- State Implementation Plans (SIP's)
Section 111 -- New Source Performance Standards (NSPS)
Section 112 -- National Emission Standards for Hazardous Air Pollutants (NESHAPS)

1/ Includes 4 actions for which the date of initiation was not reported by the Regional Offices and thus could not be reflected in the monthly totals. A total of 582 actual sources or violations are involved overall.

CHAPTER II - B

MOBILE SOURCE ENFORCEMENT

The Mobile Source Enforcement program is directed primarily toward achieving compliance with vehicle emission standards and fuel regulations promulgated by EPA under provisions of the Clean Air Act. The activities of the program include preventing introduction of uncertified new domestic and imported vehicles into commerce; auditing certification procedures of domestic and foreign automobile manufacturers; enforcing vehicle assembly line emission test activity and the recall, warranty and tampering provisions of the Act; developing and enforcing Federal regulations on the availability of regulated fuels; and ensuring compliance with mobile source aspects of State implementation plans.

Inspection/Investigation Program - Under Section 206(c) of the Clean Air Act, EPA is entrusted with enforcement of requirements for "new" motor vehicles or engines - i.e., motor vehicles or engines which have not yet been sold to the ultimate purchaser.

Since December 1, 1974, mobile source enforcement personnel have conducted 56 inspections of domestic and foreign motor vehicle manufacturers. Such inspections include detailed audits of procedures and records, and visual inspection of facilities and vehicles in order to determine whether manufacturers are and have been acting in compliance with the Clean Air Act and its regulations.

A total of eight vehicle manufacturer investigations have also been conducted since December 1974, some of these arose from the inspections. These investigations consist of a search of vehicle manufacturer records and documents and interrogation of individuals to determine whether violations of the Clean Air Act and its regulations have occurred. Issuance of requests for production of information pursuant to Section 208 of the Act frequently accompany such investigations, and such requests have recently been expanded to include requiring the manufacturer to develop emission test data where violations may be accompanied by effects on emission performance. Since December 1974, five Section 208 letters have been issued.

Out of the eight investigations, one case was referred to the Department of Justice for enforcement action. That referral dealt with Chrysler Corporation's introduction into commerce of vehicles with incorrect emission components.

MOBILE SOURCE AIR POLLUTION ENFORCEMENT

DECEMBER 1974 THROUGH DECEMBER 1975

(BY CATEGORY)

PROGRAM AREA	ACTIVITIES/ACTIONS/RESULTS	
INSPECTION/INVESTIGATION OF AUTO MANUFACTURERS	**56** INSPECTIONS 12 FOREIGN 44 DOMESTIC **9** INVESTIGATIONS	**1** PROSECUTION REFERRAL **5** SECT. 208 LETTERS
TAMPERING	**15** INVESTIGATIONS	**3** PROSECUTION REFERRALS $4,950 CIVIL PENALTIES
RECALL	**22** INVESTIGATIONS **11** VOLUNTARY RECALLS	**185,768** VEHICLES VOLUNTARILY RECALLED
IMPORTS	**26** INVESTIGATIONS	**2** PROSECUTION REFERRALS 259 VEHICLES MODIFIED 71 EXPORTED 173 BOND FORFEITURES $42,500 BONDS FORFEITED
FUELS	18,500 SERVICE STATIONS INSPECTIONS 15,000 GASOLINE SAMPLES ANALYZED 3,500 WARNINGS ISSUED	260 COMPLAINTS FILED $31,000 CIVIL PENALTIES

Selective Enforcement Audit Program - EPA's Mobile Source Enforcement program has developed an enforcement strategy for ensuring that new production vehicles conform to emission standards on the assembly line. Called the selective Enforcement Audit (SEA) program the effort involves the testing - pursuant to an administrative order and in accordance with the Federal Test Procedure - of a statistically representative sample of production vehicles from a specified configuration. If nonconformity is established, EPA may revoke the certificate of conformity.

In December 1974, EPA proposed regulations concerning the implementation of the Selective Enforcement Audit program and conducted a public hearing on the proposed regulations in July. Final regulations are scheduled to be published in the Federal Register in 1976. During the coming year, EPA will operate the Selective Enforcement Audit program on a trial basis, with full implementation of the program scheduled for Fiscal Year 1977.

Provisions for In-Use Motor Vehicles

Anti-tampering Program - Section 203 (a)(3) makes it a prohibited act for any manufacturer or dealer knowingly to remove or render inoperative a vehicle's emission control system after sale of the vehicle to the ultimate purchaser. From December 1974, approximately 15 investigations have been conducted. Further, the Regional Offices responded to many alleged violations of the tampering prohibition during the same period. Three cases were referred to the Department of Justice for action. Since December 1974, four tampering cases have been successfully prosecuted, resulting in civil penalties totaling $4,950. Recall Program - Section 207(c) of the Clean Air Act authorizes EPA to order recall of vehicles if they do not conform to emission standards. Approximately 185,768 vehicles have been voluntarily recalled by manufacturers for correction of emission-related problems. EPA is monitoring these recalls in addition to two recall campaigns begun in 1974 involving approximately 1 million vehicles.

Since December 1974, EPA has conducted 22 investigations of possible recalls and is currently conducting investigations involving both domestic and foreign manufacturers.

Warranties and Aftermarket Parts Program - The warranty provisions of the Clean Air Act are designed to help assure that manufacturers develop and produce vehicles that meet emission standards throughout their useful lives. The production warranty provision in Section 207(a) of the Clean Air Act requires that the manufacturers warrant that the vehicle or engine meets applicable emission standards at the time of sale, and is free from defects which, during the useful life, may cause the vehicle or engine to fail to comply with the emission standards.

Although this provision has been in effect since the 1972 model year, it has proved of little utility to consumers experiencing difficulties with their vehicle's emission control system. The Agency believes that this is because consumers do not know with any precision what components and failures are covered by the Section 207(a) warranty and, when they do make claims, are unable to sustain the burden of establishing that the failure is indeed a defect causing the emissions to exceed Federal standards, as Section 207 (a) is generally interpreted to require. To overcome these difficulties and to make Section 207(a) useful to consumers with legitimate claims, the Agency intends ultimately to promulgate regulations defining the coverage of this provision. Major activities since December 1974, in support of this long-range goal include the clearing of an advance notice of proposed rulemaking through interagency review for imminent publication. To provide technical support for this program, the relationship of defective vehicle components to emissions is being investigated under contract. EPA also has continued to review owner's manuals to see that the Section 207(a) warranty is provided to consumers in language which adequately reflects the statutory intent.

The performance warranty provision in Section 207(b) of the Clean Air Act, when implemented, will require that a manufacturer warrant that properly maintained and used vehicles and engines comply throughout their useful lives with emission standards when in actual use. This provision has not been implemented because of the technical difficulty of identifying relatively quick and inexpensive emission tests which "are reasonable capable of being correlated" with the sophisticated test used on prototype vehicles, as Section 207(b) requires. Major activities in this area since December 1974 include the continued analysis of correlation data to attempt to identify correlatable short tests and the response to a Congressional report which recommended that Section 207(b) be substantially repealed. This response was provided to the House Small Business Subcommittee on June 26, 1975, and reiterated EPA's general support for Section 207(b) as it is presently written.

In support of the warranty programs, and to protect against anticompetitive effects in the automobile aftermarket, EPA has endorsed an industry-led voluntary self-certification program for certain automotive aftermarket parts. The potential anticompetitive problems were the reason for the House Report recommending substantial repeal of Section 207(b), discussed above. Major efforts in this area since December 1974 include continued supervision of the industry's efforts to develop performance standards for emmision -related parts; an Agency report summarizing the comments on the Federal Register Notice of November 14, 1974, outlining the self-certification program; and the letting of a contract intended to investigate the relationship between parts and vehicle emissions.

Imports Program - Section 203 (a)(1) and 203 (b)(2) give EPA responsibility for enforcing compliance of imported motor vehicles with emission standards. In conjunction with the Bureau of Customs, EPA has monitored importation of an estimated 2 million commercial and privately owned vehicles since December 1974. Through that program, 259 noncomplying vehicles imported under bond have been modified pursuant to administrative orders. In addition, 71 nonconforming vehicles have been exported pursuant to administrative orders. A total of 173 bond forfeitures have been assessed through Customs for noncompliance with the regulations.

EPA has conducted 26 investigations of alleged illegal importations. Two cases were referred to Justice Department for prosecution.

Fuels Enforcement Program - EPA has responsibility for enforcing Section 211 (c)(1) of the Clean Air Act relating to the regulation of fuels and fuel additives. On January 10, 1974, EPA promulgated regulations requiring the general availability of unleaded gasoline by July 1, 1974, for use in 1975 and later model cars equipped with catalytic emission control systems.

EPA has established a nationwide Fuels Enforcement Program for ensuring that affected retail outlets are in compliance with these regulations. This program includes sampling of the fuel at retail outlets by Regional EPA Field Inspectors, through the use of a mobile van test facility.

From December 1974, EPA has conducted approximately 18,500 inspections of service stations to ensure compliance with the unleaded fuel regulations. Approximately 15,000 gasoline samples were taken, of which about 160 were found to be contaminated with lead. Approximately 6,900 minor violations were also found during this period. Because many of the stations contained multiple violations, the number of stations out of compliance is estimated at 3,000. Enforcement has issued approximately 3,500 warnings and 260 complaints, and has collected $31,000 in penalties during this period.

Generally, warnings are issued for minor violations, and penalties are assessed for contamination, deliberate violations, repeated violations, and failure to respond to warnings. The warning generally allows the violator to come into compliance in a reasonable time. When contamination is found, a complaint is usually issued against both the retailer and his supplier, with each given an opportunity to show that he is not responsible.

Inspection/Maintenance and Transportation Control Plans-

During the past year, EPA has made efforts to assure the implementation of State Inspection/Maintenance programs. Establishment of these programs will reduce emissions from vehicles in-use and will help assure that National Ambient Air Quality Standards for carbon monoxide and potochemical oxidants are achieved in certain Air Quality Control Regions. During the past year, EPA has issued eight Notices of Violation under Section 113 for failing to implement Inspection/Maintenance programs. Included in these eight orders were orders issued to New York and Chicago.

In relation to Transportation Control Measures, EPA has issued two Notices of Violation and two Section 113 orders to Chicago, 13 Notices of Violation and seven Section 113 orders to the City of New York, and 90 Notices of Violation to employers in New Jersey for failure to implement employer carpool control measures.

While Title I gives EPA the authority to ensure enforcement of Transportation Control Plans, recent Circuit Court decisions relating to enforcement of Transportation Control Plans and Inspection/Maintenance have taken differing views on the issue of whether EPA has the authority to take enforcement actions directed at governmental bodies. The courts have, however, unanimously upheld EPA's authority to take enforcement actions against individual sources.

MOBILE SOURCE ENFORCEMENT

CASES REFERRED BY EPA TO THE DEPARTMENT OF JUSTICE

December 1, 1974 -- December 31, 1975

A. CERTIFICATION AND PRODUCTION COMPLIANCE INSPECTIONS/INVESTIGATIONS

Name: CHRYSLER CORPORATION (Hamtramck Plant Misbuilds)
Offense: Alleged violation of Section 203(a)(1) of CLEAN AIR ACT--introducing vehicles into commerce not covered by "Certificate of Conformity" due to incorrect emission components.
Date Referred: June 23, 1975
Status: Pre-trial discovery in progress

B. TAMPERING

Name: Paddock Chrysler-Plymouth, Florissant, Missouri
Offense: Alleged violation of tampering regulations under Section 203(a)(3) of CLEAN AIR ACT
Date Referred: January 10, 1975
Status: Consent Decree signed June 1975; $500 Penalty secured.

....

Name: Downtown Volkswagen, Kansas City, Kansas
Offense: Alleged violation of tampering regulations
Date Referred: January 10, 1975
Status: Case dropped due to bankruptcy of firm

....

Name: Dick Spraker Volkswagen, Wichita, Kansas
Offense: Alleged violation of tampering regulations
Date Referred: July 24, 1975
Status: Pre-trial discovery in progress

C. IMPORTS

Name: Yair Holtzman, Los Angeles, California
Offense: Alleged violation of Section 203(a)(1) and 203(b)(2) import regulations -- illegal importation and sale of 18 vehicles
Date Referred: July 1975
Status: Pre-trial conference set for 7/12/1976

....

Name: Robert Boston, Columbus, Ohio
Offense: Alleged violation of Section 203(a)(1) and 203(b)(2) import regulations -- illegal importation, sale, false statements, and conspiracy involving 13 vehicles
Date Referred: December 5, 1975
Status: Pending

MOBILE SOURCE ENFORCEMENT

DISPOSITION AND RESULTS OF TAMPERING CASES LISTED AS "PENDING" IN PREVIOUS EPA ENFORCEMENT REPORT, ENTITLED "EPA ENFORCEMENT-- TWO YEARS OF PROGRESS-- DECEMBER 1972 TO NOVEMBER 1974" (1975):

European Motors, Olympia, Washington
Consent Decree - $750 Penalty -- 9/26/1975

Motion Performance Products, Baldwin, New York
Consent Decree -- $500 Penalty -- 7/21/1975

Scuncio Chevrolet, Greenville, Rhode Island
Consent Decree -- $1,200 Penalty -- 10/9/1975

CHAPTER III

NOISE ENFORCEMENT

THE NOISE CONTROL ACT OF 1972, OCTOBER 27, 1972 PUBLIC LAW 92-574 (42 U.S.C. 4901 et seq. - 1972)

The Noise Enforcement Program is designed to implement the noise enforcement strategies developed pursuant to the Noise Control Act of 1972. EPA's Noise Enforcement Division has the responsibility for developing enforcement strategies associated with new products identified for regulation and for providing Federal enforcement of new product noise emission standards. This responsibility includes assuring that regulated products meet standards when new, enforcing regulations on labeling of new products, reviewing enforcement actions of other Federal agencies, and providing assistance to States and localities to develop enforcement programs.

New Product Noise Enforcement

On January 21, 1974, EPA identified portable air compressors and medium and heavy duty trucks as major sources of noise. On January 14, 1976, final regulations were promulgated for portable air compressors. The final regulations for medium and heavy duty trucks were promulgated on April 13, 1976. On May 28, 1975, additional noise emission products were identified for regulation, including motorcycles, buses, wheel and track loaders and dozers, truck refrigeration units, and truck-mounted solid waste compactors.

The truck noise standards take effect on January 1, 1978. The compressor noise standards take effect January 1, 1978, for compressors whose capacity is 250 cfm or less, and July 1, 1978, for compressors with capacities greater than 250 cfm.

The enforcement strategy for medium and heavy duty trucks and portable air compressors consists of two parts:

(1) Production verification

(2) Auditing noise emission performance of new products on the assembly line.

The production verification strategy requires a manufacturer to test the noise emissions from the first production units representing his product line to demonstrate that he possesses the required technology, assembly process, and quality control, to ensure such products can meet noise standards. Production verification is required at the beginning of the production year, when a new model is introduced during the year, or when a significant change occurs to a previously verified product. Production verification testing is generally conducted by the manufacturers, with EPA monitoring. EPA will occasionally require that production verification testing be conducted at its facility. Followup inspections and investigations of a manufacturer's production verification activities will be conducted as necessary.

An audit of noise emission performance of new products on a manufacturer's assembly line is conducted pursuant to a test request issued by EPA. Under this strategy, EPA selects the manufacturer and products to be tested, issues the test order, monitors testing under the order, performs such confirmatory testing as may be required, and reviews the results for appropriate action. Followup investigations would be conducted as necessary.

Enforcement regulations are being developed for motorcycles, buses, wheel and track loaders and dozers, truck mounted refrigeration units, and truck mounted garbage compactors.

Noise Enforcement Facility

EPA has established the Noise Enforcement Facility to provide an acoustical testing capability to support new product enforcement under the Noise Control Act.

The test facilities comprise the Government's standard enforcement test site and will be used by EPA to conduct enforcement testing, to monitor and correlate with a manufacturer's compliance testing, to train regional, State, and local enforcement personnel, and to monitor the effectiveness of Federal noise enforcement programs.

Following signing of an agreement with the National Aeronautics and Space Administration on May 16, 1975, the Noise Enforcement Facility was established on NASA's Plum Brook Station property at Sandusky, Ohio.

The Agency expects to complete construction of test sites at the facility by late summer 1976 -- in time to assure effective enforcement of portable air compressor and medium and heavy duty truck noise regulations.

The Ohio site for the Noise Enforcement Facility was selected because of its close proximity to the manufacturers of products regulated, reasonable weather conditions for outdoor testing, and relatively low ambient noise levels at the Plum Brook Station.

Enforcement provisions of the truck and air compressor regulations place the burden of noise testing on the manufacturer of such products. The regulations also provide the Environmental Protection Agency with authority to request products from a manufacturer for independent testing in addition to that testing conducted by the manufacturer. These procedures were designed to allow the manufacturer to be in control of his production process, including compliance noise testing, while at the same time satisfying EPA's responsibility to maintain effective oversight and enforcement as necessary.

Recognizing that not all manufacturers will be financially able to construct test facilities and that such testing is vital to compliance under the regulations, the Government test facilities at the Noise Enforcement Facility may be made available on request for industry use in special circumstances. To preclude the possibility of government test facilities' competing with private testing organizations in providing test sites for acoustical product testing, the manufacturer will be expected to demonstrate that a private facility satisfactory to his needs is not reasonably available. A fee will be charged in these cases to cover the administration of the tests.

In-Use Noise Enforcement

Under the Noise Control Act, any State and, in some respects, the Federal Government, can exercise the authority to regulate noise from products in use. Federal responsibility in this area extends to enforcement through recall requirements, enforcement of the Federal tampering prohibition, and assistance to States in establishing enforcement programs. A Model State Enforcement Program, including model legislation and model enforcement procedures, is being developed by EPA, and EPA noise enforcement personnel are establishing contact with EPA Regional Offices, States, and local jurisdictions to determine how best to assist in the establishment of such programs.

CHAPTER IV

EPA ENFORCEMENT OF THE PESTICIDE LAW

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

As Amended (7 U.S.C. 135-135k, 136-136y - 1972)

With the 1972 passage of an amendment to the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (FIFRA), the Environmental Protection Agency was given broad new responsibilities and authorities to protect man and his environment from the adverse effects of pesticides.

The new FIFRA prohibits any person from using any registered pesticide in a manner inconsistent with its labeling; provides for classification of pesticides into "general" and "restricted" use categories; requires that "restricted" pesticides be used only by State-certified applicators meeting Federal certification standards; authorizes EPA to issue stop sale, use or removal orders, or to initiate seizure actions; requires pesticide manufacturers to register producing establishments with EPA; empowers EPA to initiate civil or criminal proceedings against violators of any provisions of the law; and provides for Federal assistance to States to enforce the provisions of the law.

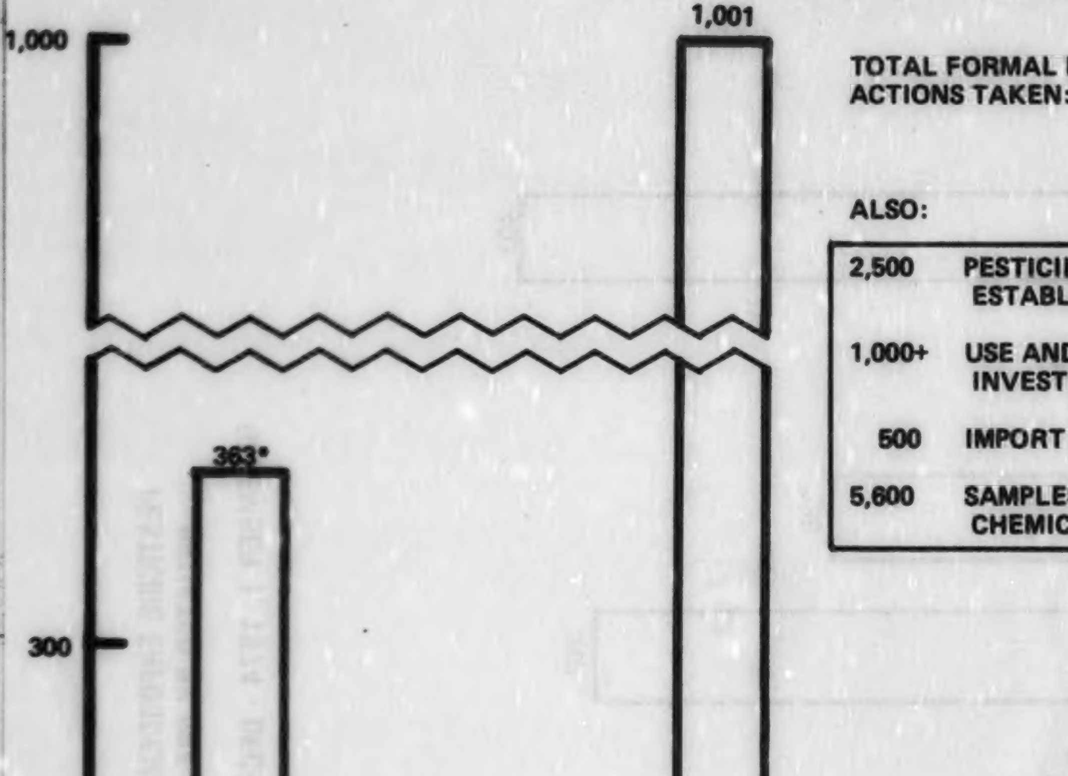
In the years following enactment, the Agency has been implementing the provisions of this Act, with special emphasis on issuing regulations and guidance setting forth policy and procedures for obtaining compliance and on developing an enforcement program to ensure that the requirements of the Act are met.

The enforcement strategy focuses on (1) ensuring industry compliance with product registration requirements, and (2) ensuring user compliance with label directions. To attain these goals, the Agency engages in the following broad activities: producer establishment inspections, pesticide sampling, pesticide analysis, and use surveillance.

In performing its establishment inspection and sampling activities, the Agency seeks to ensure that all pesticides are registered with the Agency and are sold and distributed in accordance with the terms of the registration. In the past 13 months, the EPA inspected approximately 2500 producing establishments, conducted approximately 500 import investigations and collected over 5600 samples for chemical analysis. These activities revealed violations which resulted in the issuance of approximately 350 civil complaints, 200 stop sale use or removal orders, 80 recall requests and 1000 notices of warning.

EPA INSPECTOR READIES PESTICIDE SAMPLE FOR DELIVERY TO EPA LABORATORY; ENFORCEMENT ACTION ENSUES IF ANALYSIS OF CONTENTS AND EXAMINATION OF LABEL SHOWS PRODUCT VIOLATIVE OF PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

EPA PESTICIDE ENFORCEMENT
DECEMBER 1, 1974 - DECEMBER 31, 1975
(BY CATEGORY)



*$362,818 PENALTIES/FINES ASSESSED IN 228 CASES CONCLUDED TO DATE

TOTAL FORMAL ENFORCEMENT ACTIONS TAKEN:

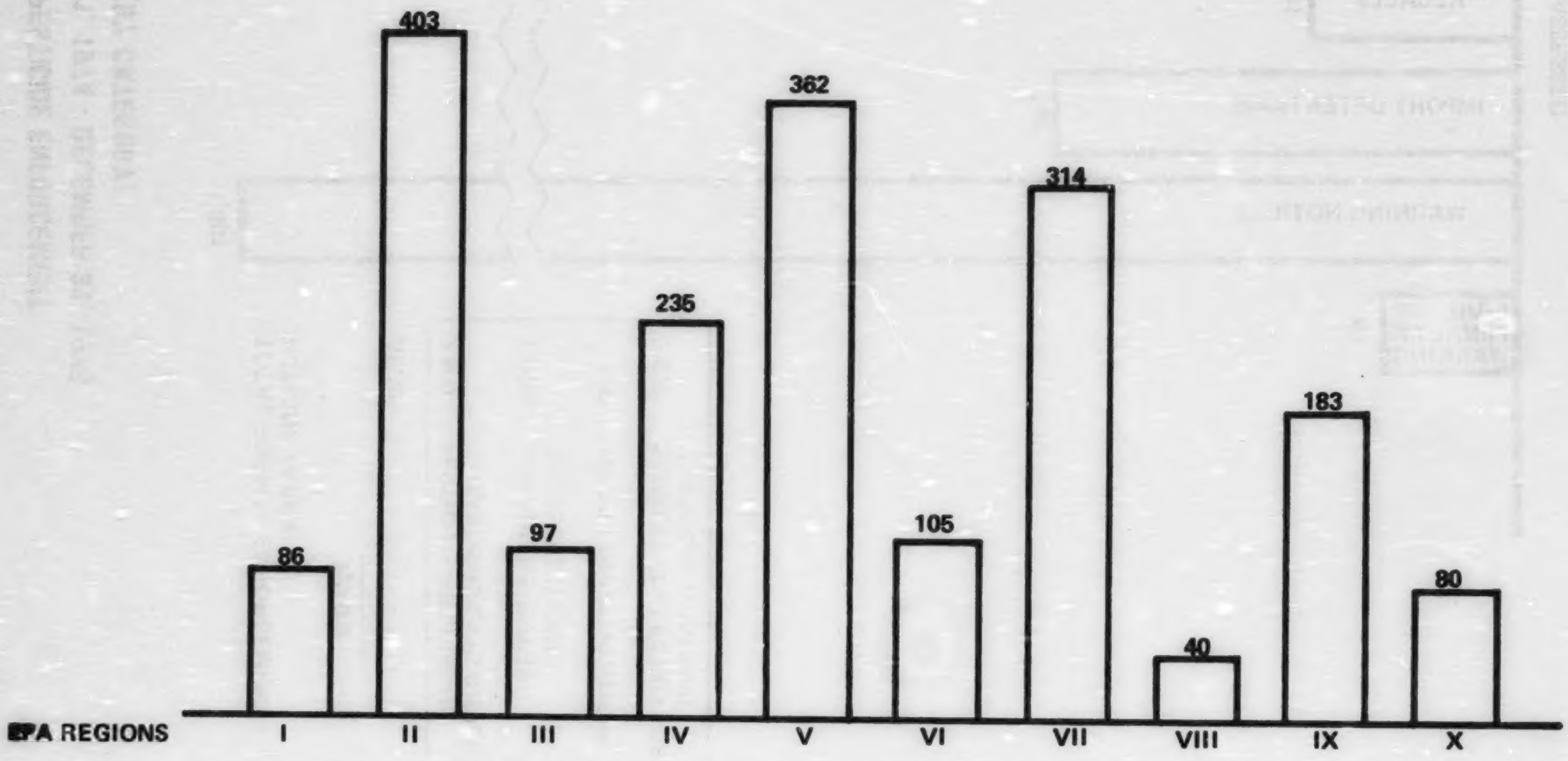
1,905

ALSO:

2,500	PESTICIDE-PRODUCING ESTABLISHMENTS INSPECTED
1,000+	USE AND RE-ENTRY INVESTIGATIONS
500	IMPORT INVESTIGATIONS
5,600	SAMPLES COLLECTED FOR CHEMICAL ANALYSIS

PESTICIDE ENFORCEMENT ACTIONS INITIATED BY EPA REGIONS

DECEMBER 1, 1974 - DECEMBER 31, 1975



RESULTS OF CIVIL AND CRIMINAL ACTIONS INITIATED OR CLOSED DURING 13 MONTH PERIOD

December 1, 1974 - December 31, 1975

	Civil	Criminal
Cases closed during 13 month period that were initiated prior to 12/1/74		
Civil cases closed	124	
Civil penalties assessed	$169,381	
Criminal cases closed		27
Fines levied		$22,500
Cases initiated during 13 month period		
Civil cases initiated	355	
Civil cases closed	221	
Civil penalties assessed	$362,418	
Criminal cases initiated		8
Criminal cases closed		7
Fines levied		$400
Total cases closed	345	34
Total penalties/fines imposed	$531,799	$22,900

The violations involved in these enforcement actions included nonregistration; misbranding; false registration; lack of use directions on the label; inadequate use directions; lack of statement of ingredients; inadequate statement of ingredients; adulteration of contents; contamination of contents; false claims as to effectiveness; contents differing from those represented at the time of registration; lack of warning or caution statement; lack of adequate warning or caution statement; unwarranted safety claims; or any combination of these.

In use surveillance, EPA focuses on those areas where the opportunity for adverse effects from misuse are greatest. During this period, more than 1000 use and re-entry investigations were conducted. As a result of violations found, approximately 60 civil penalty warnings, 12 stop sale, use or removal orders, 4 civil complaints and 8 criminal prosecutions were issued. As use surveillance is a relatively new program in the Agency, a Pesticide Misuse Review Committee has been established to review cases involving misuse and to develop enforcement policy on misuse.

CIVIL PENALTY HEARINGS

In all civil actions taken under the Act, the respondent is given the opportunity for a hearing by an Administrative Law Judge. Most of the civil actions are settled in an informal settlement conference with the regional pesticides enforcement staff; however, during the 13 month period 12 public hearings were held before an Administrative Law Judge.

The following is a summary of four civil penalty hearings in which decisions made by the Administrative Law Judge will have a significant impact on the pesticides enforcement program:

1. In re Chapman Chemical Co., Region IV

This was the first civil penalty decision to be appealed to the Regional Administrator. The Regional Administrator's Final Order was appealed to the U.S. Court of Appeals (decision pending as of 12/31/75).

The case is significant in that it allowed the use of circumstantial evidence to prove a violative interstate shipment. The case further upheld the principle that multiple misbranding charges may be brought against a single product, if the facts underlying each charge differ in some respect. Here a label was missing from the container which the respondent urged was a single violation. However, the Regional Administrator's decision in the Final Order noted that there was a separate violation for each individual required component of the label to be missing, such as directions for use, precautionary statements, ingredient statement, etc.

Civil Penalty Decision

On February 21, 1975, the Administrative Law Judge Marvin E. Jones rendered an initial decision in favor of Region IV in the civil penalty proceeding In Re Chapman Chemical Company. The proceeding was initiated upon the issuance of a complaint dated February 5, 1974, by the Director of the Enforcement Division, EPA Region IV. The respondent filed a timely answer and requested a hearing which was held in Memphis, Tennessee, on November 22, 1974.

Region IV alleged that the respondent violated the Act in that it had shipped in interstate commerce a misbranded pesticide "BHC-1". The allegation of misbranding arose from an inspection wherein a regional consumer safety officer discovered an unlabeled 55-gallon drum of "BHC-1" being used by a customer of the respondent. The inspector noted that the drum had been shipped only 10 weeks earlier and bore no vestige or remnant of a label. Nearby was also found another drum of "BHC-1" which was properly labelled and which had been at the user's premises for a much longer period of time.

Because EPA could introduce no evidence that any one personally observed whether or not the 55-gallon drum of "BHC-1" bore a registered label at the time of shipment, the respondent contended the EPA had failed to establish a prima facie case of interstate shipment without a label. The respondent based his case on three theories: first, that the drum of "BHC-1" at issue was shipped from an independent warehouse and was not under the control of the respondent; secondly, that the conditions to which the drum was exposed by the user suggested that a label had been affixed but had been obliterated; and thirdly, that the respondent exercised great care in its labeling and shipment procedures, such that an unlabeled container of "BHC-1" could not have been shipped without a label.

Judge Jones found that EPA had established a prima facie case based on circumstantial evidence and that respondent's evidence fell short of effectively rebutting complainant's prima facie case. Relying on U.S. v. Parfait Powder Co., the ALJ found that it was inconsequential whether the failure to affix a label occurred at Chapman's facility or at the shipper's warehouse. Since Chapman had entrusted the shipper with the storage and shipment of respondent's products, it was clear that the shipment was still the respondent's responsibility. Secondly, as to whether the label was obliterated by rough handling and exposure to the elements, the judge found that in considering all of the evidence, the record as a whole showed that the absence of a proper label was not attributable to handling after delivery, but to the fact that a proper registered label was not affixed to the drum when said commodity was shipped in interstate commerce. Finally, in regard to the respondent's quality control procedures, Judge Jones noted that it did not follow from the fact that respondent ordinarily exercised great care, that departures from the usual practice were never made. Accordingly, the judge found that the respondent was subject to an assessment of an appropriate civil penalty.

In determining the appropriateness of the penalty, Judge Jones followed the precedent established in a prior civil penalty action, -- In The Matter of Amvac Chemical Corporation, which held that the ALJ must make an independent judgment as to the appropriateness of the penalty to be assessed. After reviewing the respondent's size of business and his ability to continue in business, the ALJ analyzed the gravity of the violation in terms of the Amvac precedent, namely the gravity of harm and the gravity of misconduct. As to the gravity of harm, it was held that the shipment of "BHC-1" without the applicable warnings and precautionary statements posed a definite hazard to those who might come into contact with it. However, the apparent gravity of harm was counterbalanced by a finding of minimal gravity of misconduct, because the violation was not intentional and there was only a remote likelihood of recurrence of the violation. Accordingly, a penalty of $1800.00 was imposed.

Final Order Issued In the Appeal of In re Chapman Chemical Company

On May 19, 1975, the Regional Administrator of Region IV, Jack E. Ravan, issued a final order in the civil penalty proceeding In re Chapman Chemical Company, I.D. No. 104559. The review of this case by the Regional Administrator was prompted by Respondent's timely appeal from the Initial Decision of Administrative Law Judge Marvin E. Jones. The final order in this case was based on a review of the hearing transcript, the Initial Decision, the Respondent's Exceptions and Brief in support of Respondent's Exceptions, and the Complainant's Reply Brief to the Respondent's Exceptions.

In substance, the final order adopted the findings of fact and conclusions of law contained in the Initial Decision with two exceptions: the Regional Administrator did not take into consideration Respondent's pleas of nolo contendere for prior violations in 1970 and 1972 and Respondent's Exception V was sustained. Accordingly, a penalty of $1500.00 was imposed.

2. EPA v. Chemola, Region VI

This case held that, although an EPA inspector should personally sample the products he collects for analysis, he is not under an absolute duty to do so. In Chemola, respondent's employees drew the sample for the EPA inspector.

When chemical analysis later showed the product to be chemically deficient, the respondent contended that the sample was not being "held for sale" within the meaning of the Act and that the EPA inspector was under a legal obligation to personally draw samples from products he knew were being held for sale. The Administrative Law Judge rejected both of these arguments and held that an inspector was entitled to rely on the statements of Respondent's employees with respect to the representativeness of a sample.

Civil Penalty Decision

On February 27, 1975, Administrative Law Judge Frederick W. Denniston returned an initial decision in the Agency's favor in the civil penalty action EPA v. Chemola Corporation. The proceeding was initiated by the issuance of a complaint filed March 14, 1974, by the Director of the Enforcement Division, EPA Region VI. The respondent filed a timely answer in which it denied the allegations and requested a hearing, subsequently held in Houston, Texas, on October 11, 1974.

Region VI alleged that respondent had held for sale the product "DESCO WEED KILLER," which upon chemical analysis was shown to be chemically deficient. By way of denial, the respondent contended that it had inadvertently supplied to the EPA inspector a sample of its product in a dilution form ready for application, although it is ordinarily sold in concentrated form. Chemola stated that dilutions were frequently found around the establishment since their salesmen used them for demonstrations. As such, Chemola further argued that the dilutions and EPA's sample were not held for sale. Judge Denniston, however, was unimpressed by the respondent's argument and found that the record did not support its contention. Chemola also contended that the EPA inspector himself should have taken the sample from what he knew was a previously unopened drum, rather than accepting a sample taken by one of the respondent's employees. Judge Denniston noted that although it would have been preferable for the EPA inspector to have drawn the sample himself, he was not under an absolute duty to do so. The inspector was entitled to believe that the sample furnished by the respondent was "packaged, labeled, and ready for shipment" by virtue of representations made by the respondent's employee that it was a sample of the material that was actually sold.

The Judge also found that some of the issues raised by the respondent were irrelevant, namely, whether EPA had a duty to test the product for efficacy, whether EPA should have verified the label results by obtaining further samples from the respondent's customers, and whether EPA should have alerted its analytical chemist as to the product's directions for use. Accordingly, it was concluded that Chemola had held for sale the product "DESCO WEED KILLER," which was adulterated.

As to the appropriateness of the penalty, Judge Denniston upheld the proposed assessment of $1500 on the ground that the respondent had not challenged the size of the proposed assessment. There was no question that Chemola or its successor could continue in business after the payment of the assessment. As to the gravity of the violation, it was found that no health harm was created, but that the economic harm was apparent.

3. In re Chemscope Corporation, Region VI

This case is significant in that the theory that an innocent mistake should bar a penalty assessment was rejected by the Administrative Law Judge, who held that to accept such a theory would be to destroy the possibility of effective enforcement.

Civil Penalty Decision

On June 20, 1975, Administrative Law Judge Frederick W. Denniston issued an Initial Decision in the Region VI civil penalty proceeding In Re Chemscope Corporation, I.F. & R. Docket No VI-13C, in which a civil penalty of $2,300 was assessed against the respondent Chemscope Corporation. The case was initiated by the issuance of a complaint dated November 26, 1973, in which the Enforcement Division Director of Region VI (complainant) alleged that Chemscope Corporation violated the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Specifically, it was alleged that respondent had shipped in interstate commerce the unregistered pesticide, "Garbage Can Spray & Deodorizer" from Dallas, Texas to Fayetteville, North Carolina, on or about July 6, 1973.

The respondent filed a timely answer in which it contended that the product in question was indeed registered but that it had been inadvertently mislabeled. An adjudicatory hearing was subsequently held on October 8 and 11, 1974, in Dallas, Texas.

In addressing the issues raised at the hearing, Judge Denniston concluded that the shipment was clearly in violation of the FIFRA registration provisions. The only remaining questions were whether the mistake claimed by respondent should operate to bar a penalty and, if not, the appropriate amount of the penalty. On the first issue, the ALJ noted that to accept respondent's theory of "mistake" would be virtually to destroy the possibility of effective enforcement. In this case, the respondent was fully knowledgeable as to FIFRA and EPA procedures for registrations and supplemental registrations. Judge Denniston concluded that "[t]he attempts to put the blame on an unsupervised, inexperienced employee therefore merits neither condonation nor mitigation..."

With respect to the size of penalty, Judge Denniston rejected several of the respondent's contentions and made an independent determination of the size of the penalty based on a change of the size of business category and a finding of substantial gravity of misconduct. In particular, the claim that the company was insolvent and thus that the penalty would have an adverse impact on business was rejected as unfounded.

In determining the size of respondent's business, Judge Denniston found complainant's use of Dun and Bradstreet reports to be acceptable evidence, but found that where, as in the instant case, independently audited data are available, that data should take precedence since it provides greater reliability. The import of the reliance upon the independent audit was to move respondent from Category III into Category II, with a penalty range of $1,900-$2,300 on the Assessment Schedule for a charge of nonregistration with "knowledge/no application submitted."

Although the complainant had selected the lower end of the range in its proposed assessment, the ALJ found that the gravity of violation, as analyzed from the gravity of harm/gravity of misconduct criteria, warranted a penalty from the top end of the scale. Despite a finding of no potential for harm in the violation, respondent's contention that the violation was of a relatively minor nature was found to bespeak a callous attitude toward the Act and to justify a substantial penalty. Of great importance was the fact that respondent was a substantial organization, long experienced and knowledgeable in registration procedures, yet it placed full responsibility for ensuring proper labeling in the hands of an inexperienced employee, without supervision. Accordingly a penalty of $2,300 was deemed to be appropriate for the violation.

4. In re Waltham Chemical Company, Region I

This case is significant in that it upheld EPA's authority to assess civil penalties for violations which have had adverse effects upon the environment. The Administrative Law Judge found irrelevant Respondent's defense that a showing of unreasonable adverse effects upon man or the environment is a prerequisite for taking enforcement action against a violator of the FIFRA (This case was on appeal to The Regional Administrator as of December 31, 1975.)

Civil Penalty Decision

On July 28, 1975, Administrative Law Judge Frederick Denniston issued an Initial Decision in the Region I civil penalty proceedings, In re Waltham Chemical Company, I.F. & R. Docket No. 1-14C, in which he assessed a civil penalty of $2,000 for violations of the FIFRA. This proceeding was initiated by the issuance of a complaint, dated June 28, 1974, in which the Enforcement Division Director of Region I contended that Respondent had violated the FIFRA by holding for sale the misbranded pesticide, MARTIN'S ROTOL RESIDUAL SPRAY. Specifically, it was alleged that the product was misbranded in that its strength or purity fell below the professed standard of quality under which it was sold and registered.

By way of denial, the Respondent objected to the assessment and requested a hearing which was held in Waltham, Mass., on February 6, 1975. As a defense, Respondent contended that a showing of unreasonable adverse effects is a prerequisite to the assessment of a civil penalty.

Prior to stating his findings of fact and conclusions of law, Judge Denniston made two preliminary rulings on documents filed by the parties. With respect to a document entitled "Stipulation Between Parties", Judge Denniston found a portion of the stipulation unacceptable on the grounds that it would limit, rather than simplify, issues. The ALJ noted that ordinarily the use of stipulations is encouraged, but that efforts to restrict or limit issues are not to be encouraged. The stipulation which was rejected read as follows:

> "4. The only issues in dispute between the parties in this matter are:
>
> A. whether or not the Respondent committed an act which caused (or potentially caused) unreasonable adverse effects on man and the environment, as defined at 7 U.S.C. 136(bb).
>
> B. whether the proposed civil penalty is appropriate."

Secondly, Judge Denniston ruled on Waltham Exhibit No. 5, a bound booklet of material, to which Complainant objected on the ground that the exhibit would be received into evidence. The ALJ ruled that the exhibit would be received into evidence, but that only matters of fact were considered in his decision; the remainder was considered as part of Respondent's brief.

As to the Respondent's argument that no penalty be assessed on the ground that it had not been shown that the violations had an unreasonable adverse effect on man or the environment, Judge Denniston concluded that such argument was wholly irrelevant. In response to Respondent's second argument that no harm was documented by the chemical deficiency and that in any event the label contained the instruction, "repeat as necessary", Judge Denniston commented that such an argument was frivolous. He noted that the product was clearly adulterated within the meaning of section 2(c) of the Act and that such adulteration was prohibited under 12(a)(1)(E).

With respect to the amount of the penalty, clear support under the assessment schedule was found for the penalty proposed by the Complainant. Conversely, it was not found, as Respondent contended, that adverse effects on the Respondent's and the company's reputation, or on the Respondent's health and convenience were matters to be included in determining the amount of the penalty. Despite finding support for the proposed penalty, Judge Denniston was of the view that due to the circumstances of this case, the minimum range of penalty would be appropriate. Accordingly, the penalty was fixed at $2000.

The following is a short summary of several selected civil actions taken under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act:

Ciba-Geigy Corporation - On April 14, 1975, EPA Region IV assessed Ciba-Geigy Corporation a civil penalty of $12,000.00. The civil complaint charged the firm with shipping the misbranded product, STABILIZED DIAZINON MG-8 INSECTICIDE, from McIntosh, Alabama, to Omaha, Nebraska, on August 3, September 13 and December 28, 1973. The labels on the misbranded product lacked the necessary warning statements, ingredient statement, assigned registration number and name, brand or trademark.

Farmland Industries - On February 12, 1975 Region VII assessed Farmland Industries, North Kansas City, Missouri, $18,000 for violations of the FIFRA as amended. The firm shipped or held for sale the products COOP MALATHION DUST 4%, 5% SEVIN DUST, COOP BEEF CATTLE SPRAY EMULSIABLE CONCENTRATE, TOXAPHENE EMULSION CONCENTRATE, COOP LINDANE EMULSION CONTAINING 5% LINDANE, COOP WEED-OUT 2,4-D AMINE 4 POUND and COOP METHOXYCHLOR "50" WETTABLE POWDER AND DUST BASE. The violations included misbranding, adulteration, nonregistration, and claims differed from those represented during registration.

Kare Chemical Company - On December 5, 1975, EPA Region IV assessed Kare Chemical Company, Opa Locka, Florida, $15,000. The civil complaint charged the firm with shipping nonregistered and adulterated products from Opa Locka, to Newman, Georgia, and Oxford, Alabama, on May 20, 1974, and January 3, 12 and 27 and February 18, 1975. The pesticides involved were 70% GRANULAR CHLORINE, EAGLE ALGICIDE, EAGLE 5% CHLORDANE INSECTICIDE, EAGLE STABILIZED POOL CHLORINE, EAGLE 10% CHLORDANE INSECTICIDE and SUPER CHINCH ETHION LAWN SPRAY.

Thompson-Hayward Chemical Company - On September 30, 1975, Region VII assessed Thompson Hayward Chemical Company, Kansas City, Kansas, a civil penalty of $12,108.00. The firm was charged with shipping or holding for sale or distribution the misbranded pesticides, DED-WEED LV-69, MERGE 823, DED-WEED FOR LAWNS, SUPER FUMIGAS and DED-WEED LV-9 BRUSH KIL. The labels on the misbranded products lacked adequate warning or caution statements and adequate directions for use.

Union Oil Company of California - On May 16, 1975, Region V assessed Union Oil Company of California, Amsco Division, Minneapolis, Minnesota, a civil penalty of $7,800.00. The civil complaint charged the firm with holding for sale at Minneapolis, Minnesota, on January 3, 1975, the unregistered and misbranded product, UNION AMSCO BARCOSOTE CREOSOTE - PENTA WOOD PRESERVER. The labels on the misbranded product bore a false registration number, lacked adequate directions for use and lacked adequate precautionary statements.

HOW LONG MUST WE WAIT BEFORE IT IS SAFE FOR WORKERS TO RETURN TO THE FIELDS AND VINEYARDS? Proper Use and Application of Pesticides and Safety of "Re-entry" are Priority Concerns for the States and EPA's Enforcement Program.

CREDIT: EPA-DOCUMERICA-GENE DANIELS

PESTICIDE MISUSE REVIEW COMMITTEE

GENERAL BACKGROUND

The pesticide enforcement responsibilities of the Federal government have increased significantly since the consolidation within EPA of all Federal pesticide regulatory functions. Recently a great deal of public attention has been given to the post-registration effects of pesticides, including their effects upon man, domestic animals, wildlife, and the environment. EPA has the regulatory responsibility to protect human health and the environment from any unreasonable adverse effects associated with pesticide production and use. An accurate assessment of the nature and scope of pesticide misuse and the institution of an effective mechanism to enforce against such misuse will enable the Agency to discharge these responsibilities.

Section 12(a)(2)(G) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), prohibits the use of any registered pesticide in a manner inconsistent with its labeling. The authority to regulate pesticide use was established by Congress in the 1972 amendments to FIFRA. The widespread and diverse nature of pesticide use makes the design of a program to detect and enforce against pesticide misuse extremely difficult. The use enforcement program will be concerned with those products and use patterns which are likely to create imminent hazards to human health and the environment.

The Agency's pesticide use enforcement program is designed to promote safe pesticide use and to respond to reports of pesticide misuse. Incidents of pesticide misuse may come to the attention of the Pesticides Enforcement Division from the Agency's pesticide use surveillance program, or reports to EPA by such sources as FDA residue reports, USDA meat and poultry residue reports, citizen and trade complaints, EPA Pesticide Episode Reporting System (PERS), water samples, USDA pest control surveys, public interest groups, the EPA National Monitoring Plan, and the general public.

Initiation of the Pesticide Misuse Review Committee

The Agency established the Pesticide Misuse Review Committee (PMRC) for the purpose of reviewing each case of alleged pesticide misuse. The PMRC is comprised of personnel from the Agency's Office of Enforcement, Office of General Counsel, and Office of Pesticide Programs. It is the function of the PMRC to determine 1) whether a registered pesticide has been misused, 2) what level of enforcement action is warranted, 3) whether the FIFRA is being uniformly applied in misuse cases, 4) whether patterns of pesticide misuse are identifiable, and 5) whether label or registration amendments are needed for specific pesticides or classes of pesticide products.

Where questions involving pesticide use arise which require a generalized statement of enforcement policy, the PMRC may issue Advisory Opinions regarding such uses. If the issue has wide-spread significance the central elements of the PMRC Advisory Opinion may be published as a Pesticide Enforcement Policy Statement (PEPS). Subject to the publication of a PEPS, the Agency will narrowly construe Section 12(a)(2)(G). In areas where the statute permits administrative discretion, the Agency recognizes the need to make workable interpretations and to develop enforcement policies which reasonably and equitably implement the will of Congress. Toward this end, the Agency has instituted the PMRC case-by-case review and will pursue with all dispatch the development of interpretive guidelines for Section 12(a)(2)(G).

The following are two examples of pesticide misuse cases reviewed by the Committee:

Summary of PMRC Case #20.

PMRC Case #20 involved the illegal use of the herbicide SENCOR on potato crops in the State of Idaho in 1974. These applications followed a history of illegal importation of the herbicide from Canada into the United States in 1972.

The pesticides used by potato farmers were identified during the investigation as either Chemagro SENCOR, EPA Registration Number 3125-227, or LEXONE, EPA Registration Number 352-375. Both the SENCOR and LEXONE herbicides were registered for control of grasses and broadleaf weeds in soybeans. Explicit cautions against use on food crops other than soybeans appeared on the product labeling. An experimental use permit was granted by EPA to the Chemagro Division, Baychem Corporation, Kansas City, Missouri, in 1972, for use of SENCOR on potatoes in the U.S. This permit, issued in order to gather registration information, expired without renewal in February 1973.

In 1972, attempts were made to import SENCOR from Canada into Idaho for use on potatoes. On two occasions SENCOR, registered for use in Canada, was imported and used before U.S. Customs could take action on the shipments involved. U.S. Customs revoked the importers' bonds for failure to redeliver the lot for return to Canada.

In May 1974, the potato growers and processors were warned in a detailed press release issued by the Idaho Department of Agriculture of the illegality of using SENCOR on potatoes. An investigation, initiated after the appearance of SENCOR residues on potato crop in August 1974, confirmed the sale and transfer of the herbicide into Idaho. Evidence in the case file includes analyses of crop samples, FAA aerial applicator records indicating that a "weed killer" had been used on potatoes, and interviews with potato processors and growers.

In a hearing conducted by the Idaho Department of Agriculture on October 3, 1975, a major pesticide applicator admitted using SENCOR on potatoes after he had been informed that such use was illegal.

In determining the appropriate level of action in these cases, the Pesticide Misuse Review Committee considered the following points: (1) the evidence indicated that the users of the herbicide understood that SENCOR was not registered for use on potatoes and that they were familiar with the use provisions of the FIFRA; (2) widespread publicity by the Idaho Department of Agriculture and Chemagro was given to the potential misuse of SENCOR (3) one major grower clearly had knowledge of the status of the herbicide as a result of their difficulties in importing the Canadian registered SENCOR in 1972; and (4) another major applicator admitted to knowing the use of SENCOR on potatoes was illegal.

For these reasons the Committee determined that the misuse warranted criminal action under section 14(b)(2), which states that "Any private applicator or other person... who knowingly violates any provision of this Act shall be guilty of a misdemeanor and shall on conviction be fined not more than $1,000, or imprisoned for not more than one year, or both." The Committee agreed that strong action by the Agency would discourage further violations by growers in that area. The Committee also noted that misuse of the pesticide was widespread and resulted in the contamination of a major food crop, potatoes.

The Pesticide Misuse Review Committee determined that seven applicators and growers were in violation of FIFRA section 12(a)(2)(G) for the use of SENCOR on potatoes in June 1974. Region X issued civil penalty warning citations on July 10, 1975, to the seven growers and applicators pursuant to Section 14(a)(2) of the FIFRA for using a registered pesticide for a use not recommended on its labeling.

SUMMARY OF PMRC CASE #18

This misuse case involved the use of the insecticide OLIN PARATHION 2% DUST on a watermelon crop near Nixon, Texas, on June 22, 1974. Three teen-agers were instructed by the property owner to apply the insecticide (by shaking a burlap bag) containing the pesticide over the watermelon plants. The boys were equipped only with respirators and were dressed in light weight shirts and trousers. They did not wear gloves, goggles or other clothing to protect exposed skin and eyes as required by the products labeling. The owner supervised the dusting operation for one hour before leaving. Later, the boys began removing their respirators while continuing to work. An hour later one of the three boys became seriously ill and was taken to a doctor's office where he was pronounced dead from acute pesticide poisoning. The second boy recovered from the exposure after hospital treatment, while the third boy, the last to remove his equipment, showed no symptoms of poisoning.

The labeling of the pesticide (a) contained signal words "Danger" and "Poison" with skull and cross bones insignia, warnings of the product's toxicity, its danger to humans upon inhalation and swallowing, and absorption through exposed skin or eyes; and (b) prescribed the use of rubber gloves, protective clothing, goggles, and mask or respirator; and (c) listed antidote and treatment instructions in the event of poisoning symptoms.

The manager of the local feed store, where the pesticide was purchased, stated that he had reviewed the labeling thoroughly with the crop owner. The crop owner also reviewed the labeling and instructions with the hired boys. The owner was clearly knowledgeable of the product's labeling prohibitions regarding human exposure and the requirements for protective clothing.

The Pesticide Misuse Review Committee determined that the owner knowingly instructed the use of the parathion in a manner inconsistent with warnings and cautions on the product labeling. Further, the owner, in his capacity as supervisor of the three boys, failed to insure that proper precautions were maintained throughout the pesticides application. The committee recommended that criminal prosecution of the crop owner should be pursued under FIFRA section 14(b)(2) for the use of a registered pesticide in violation of section 12(a)(2)(G). On March 12, 1975, the EPA office in Region VI referred the case to the U.S. Attorney recommending criminal prosecution of the crop owner.

PESTICIDE ENFORCEMENT ACTIONS
INITIATED BY EPA BY CATEGORY,
BY EPA REGION 12/1/74 - 12/31/75

Number of actions initiated during 13 month period

Region	1	2	3	4	5	6	7	8	9	10	Total
Category											
Civil cases	6	58	19	66	48	30	81	4	22	21	355
Criminal cases	1	0	0.	0	0	1	0	0	0	6	8
Stop sale and Seizure actions	2	2	13	64	62	27	24	8	11	1	214
Recalls	7	9	0	5	45	0	4	0	4	7	81
Import Detentions	1	132	1	8	10	6	7	8	14	2	189
Warning Notices	68	200	63	83	189	39	183	19	121	36	1001
Civil Penalty Warnings	1	2	1	9	8	2	15	1	11	7	57
Total	86	403	97	235	362	105	314	40	183	80	1905

Pesticide Enforcement Actions Initiated By EPA Regions By Category, 12/1/74 Through 12/31/75, By Quarter, Except For December 1974

	Civil Cases	Criminal Cases	Stop Sale and Seizure Actions	Recalls	Import Detentions	Warning Notices	Civil Penalty Warnings	Total Actions
Dec. 1974	28	0	9	4	17	54	0	112
Jan. - Mar. 1975	66	0	67	30	47	*	12	222
Apr. - June 1975	112	8	58	18	49	447	15	707
July - Sept. 1975	85	0	49	16	45	281	13	489
Oct. - Dec. 1975	64	0	31	13	31	219	17	375
Total Actions	355	8	214	81	189	1001	57	1905

*Warning notices issued were only reported semiannually during FY 1975. Number included in Apr. - June amount.

CHAPTER V

WATER ENFORCEMENT

FEDERAL WATER POLLUTION CONTROL ACT (FWPCA), AS AMENDED (33 U.S.C. 1251 et seq. - 1972)

RIVER AND HARBOR ACT OF 1899 (REFUSE ACT) (33 U.S.C 403, 407, 411 - 1899)

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT (OCEAN DUMPING (33 U.S.C 1401 et seq. - 1972)

STATE PROGRAM APPROVALS

One of EPA's most important activities involves the approval of State NPDES* programs that are qualified and willing to receive program responsibility. The States play a very important role in the implementation of EPA's water programs and participate to differing extents in all aspects of the NPDES program, focusing on reconnaissance inspections, sampling inspections, and enforcement of permit conditions. Those States which have not received full program approval often develop working agreements with the Regions after which the States actively participate in monitoring activities in partnership with EPA.

Since December of 1974, nine additional States have received program approval for a total of 27. They are: Colorado, Nevada, New York, North Carolina, North Dakota, South Carolina, Virginia, and Wyoming. (See tabulation)

Once program approval has been granted by EPA, the State has full responsibility for running the NPDES program. The Federal presence is maintained, however, to provide an overview role consistent with the legislative mandate. EPA also continues to administer and enforce those permits originally issued by EPA. In many States this amounts to most, if not all the major permits. Several States, however, have the authority and have indicated a desire to enforce EPA-issued permits. In such states, EPA's role will be the same backup, overview, and coordination role that it has with respect to approved State enforcement of State-issued NPDES permits.

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* National Pollutant Discharge Elimination System (NPDES) established by the Federal Water Pollution Control Act.

STATUS OF EPA APPROVAL TO STATES TO ADMINISTER THEIR OWN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROGRAM UNDER THE FEDERAL WATER POLLUTION CONTROL ACT

APPROVED AS OF APRIL 1976

1. California
2. Colorado
3. Connecticut
4. Delaware
5. Georgia
6. Hawaii
7. Indiana
8. Indiana
9. Maryland
10. Michigan
11. Minnesota
12. Mississippi
13. Missouri
14. Montana
15. Nebraska
16. Nevada
17. New York
18. North Carolina
19. North Dakota
20. Ohio
21. Oregon
22. South Carolina
23. Vermont
24. Virginia
25. Washington
26. Wisconsin
27. Wyoming

NOT APPROVED AS OF APRIL 1976

1. Alabama
2. Alaska
3. Arizona
4. Arkansas
5. District of Columbia
6. Florida
7. Guam
8. Idaho
9. Illinois
10. Iowa
11. Kentucky
12. Louisiana
13. Maine
14. Massachusetts
15. New Hampshire
16. New Jersey
17. New Mexico
18. Oklahoma
19. Pennsylvania
20. Puerto Rico
21. Rhode Island
22. South Dakota
23. Tennessee
24. Texas
25. Utah
26. Virgin Islands
27. West Virginia
28. Trust Territories

In addition, cases arise in which a State may need the assistance of EPA. An example is the case against Reserve Mining Company and its discharge of iron ore tailings into Lake Superior near Silver Bay, Minnesota.

Cooperating with the State of Minnesota, EPA has provided $20,000 contract assistance and formed a 15-man Federal task force to assist resolution of State and Federal lawsuits and abate the pollution of Lake Superior.

In summary, EPA's relationship with the States is not static but responsive to the constant interaction and adaptation that is required as a program of Federal/State partnership.

Adjudicatory Hearings --

FWPCA accords all dischargers subject to the NPDES Permit Program the right to request an Adjudicatory Hearing in the event of objections to effluent requirements and other cleanup provisions contained in the permits.

As of February 29, 1976, a total of 1,830 requests for Adjudicatory Hearings has been received by the EPA Regions. Of these, 491 have been settled, and an additional 900 are expected to be settled by July 1977.

EPA's basic goal is to resolve the outstanding requests for Adjudicatory Hearings as expeditiously as possible in order that the dischargers involved are placed on enforceable compliance schedules and achieve compliance with the permit requirements.

EPA WATER ENFORCEMENT
DECEMBER 1, 1974 - DECEMBER 31, 1975
(BY CATEGORY)

TOTAL ENFORCEMENT ACTIONS TAKEN IN PERIOD: 3,320*

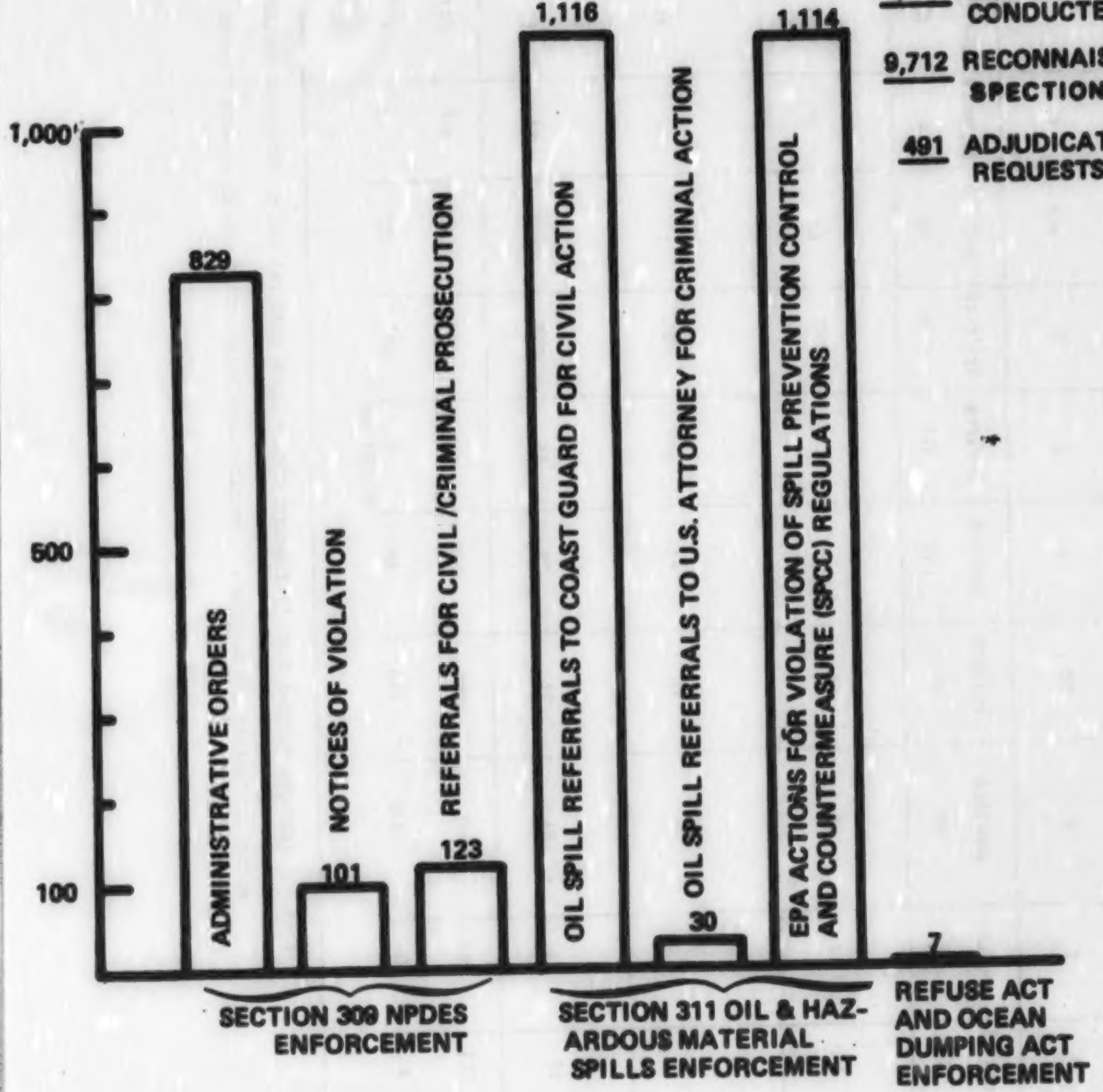
ALSO:

130,000 SELF-MONITORING REPORTS REVIEWED BY STATES & EPA

3,289 SAMPLING INSPECTIONS CONDUCTED

9,712 RECONNAISSANCE INSPECTIONS CONDUCTED

491 ADJUDICATORY HEARING REQUESTS SETTLED



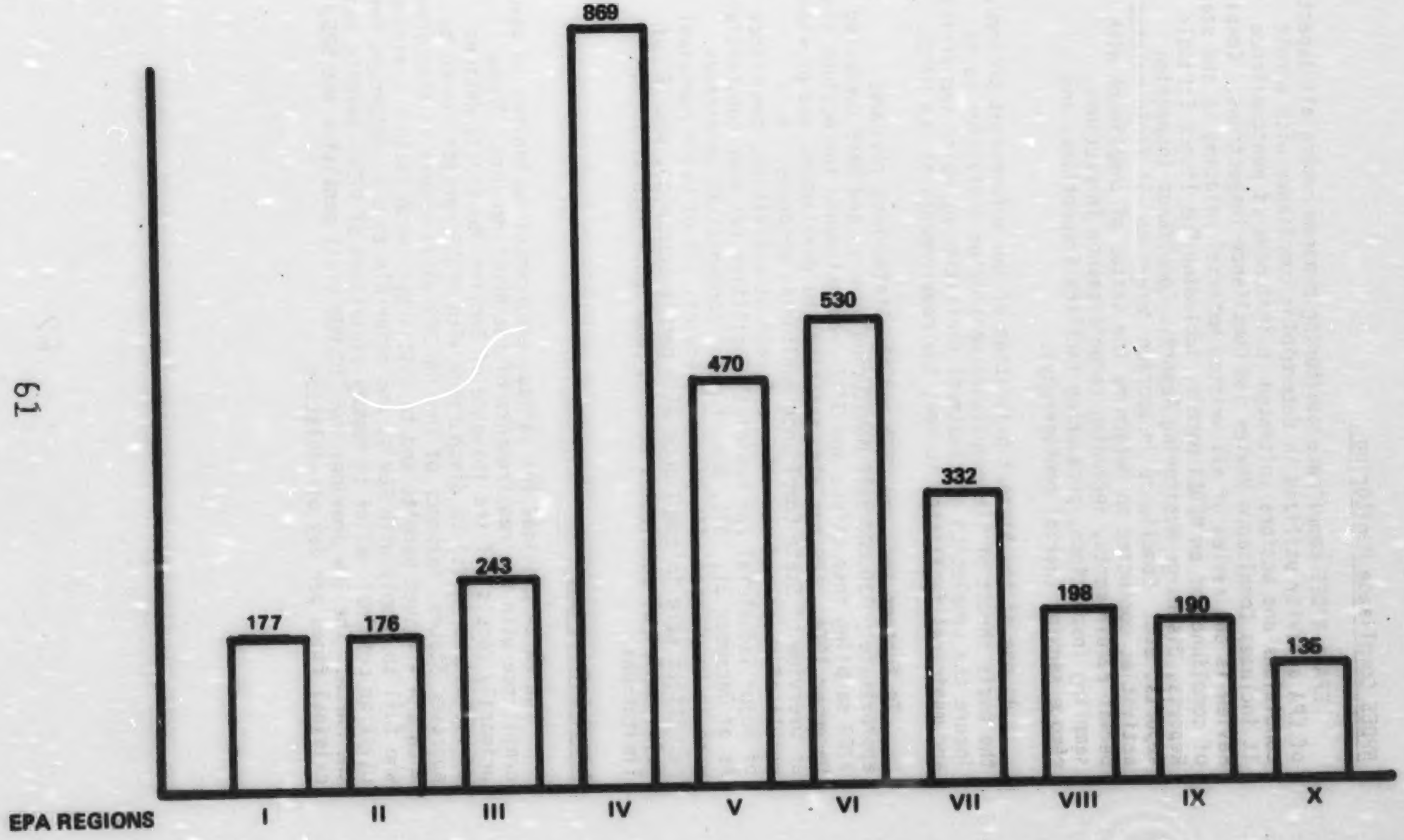
*PENALTIES/FINES TO DATE:
$941,340 -- 1,052 CASES CONCLUDED THUS FAR

OVERALL SUMMARY OF EPA WATER ENFORCEMENT ACTIONS - - RESULTS AND STATUS, BY REGION

ALL ACTIONS INITIATED IN THE THIRTEEN MONTH PERIOD DECEMBER 1, 1974 THROUGH DECEMBER 31, 1975

Actions Initiated and Results Reported through 12/75.	EPA REGION I	II	III	IV	V	VI	VII	VIII	IX	X	EPA TOTAL
Total # of Actions Initiated in Period:	177	176	243	869	470	530	332	198	190	135	3,320
Pollution Abated or Compliance Obtained or in Progress via Administrative Action	22	25	UNK	110	55	60	75	16	15	24	402
# of Cases for which Civil/Criminal Court Proceedings or US Coast Guard Civil Proceedings have been concluded.	42	8	1	142	107	74	44	54	8	3	483
# of Spill Prevention Control Countermeasure Plans (Civil) Proceedings have been concluded.	37	69	27	399	29	10	94	17	25	11	718
Total Civil Penalties or Criminal Fines.	79 $71,580	75 $208,180	28 $20,150	507 $192,629	135 $161,481	81 $62,050	36 $21,150	66 $161,600	33 $37,000	12 $5,550	1,052 $941,840
# of Cases Prosecution was dismissed, withdrawn or declined.	0	1	UNK	30	7	6	10	5	2	0	61
# of Actions Pending or outcome unknown as of 12/31/75.	71	74	215	222	75	382	106	111	150	97	1,503

WATER ENFORCEMENT ACTIONS
INITIATED BY EPA REGIONS
DECEMBER 1, 1974 - DECEMBER 31, 1975



NPDES Compliance Monitoring

EPA's NPDES compliance monitoring program covers all aspects of EPA activity utilized in determining compliance with permit conditions and actions initiated in instances of noncompliance. It includes Compliance Review and Compliance Inspections. Compliance Review is the review of all written material relating to the status of compliance of an NPDES permit, including Compliance Schedule Reports, Discharge Monitoring Reports, Compliance Inspection Reports, etc. Compliance inspection refers to all field related activities conducted to determine the status of compliance with permit requirements, including reconnaissance inspections, sampling inspections, production facility inspections, and remote sensing (aerial photography).

As one of the highest priorities of the enforcement program, the basis thrust of the compliance monitoring activities is to insure the completion of treatment facilities by major industrial and municipal facilities to meet the requirements of the FWPCA.

To further this end, EPA and the States have reviewed approximately 130,000 self monitoring reports and have conducted 3289 sampling inspections and 9712 reconnaissance inspections since December 1974. EPA has also assisted the development and provided an overview of State Compliance monitoring programs. As a result of these and our other enforcement activities, compliance of major industrial and municipal facilities has been substantial. As of December 31, 1975, 82% of major nonmunicipal permittees were in compliance with permit schedules, 70% of major municipal permittees were in compliance with permit schedules, and 74% of major municipal permittees were in compliance with effluent limitations.

NPDES Enforcement

The FWPCA provides for various enforcement mechanisms to assure compliance with the requirements of the NPDES program. These primarily consist of the issuance of Section 309 (a)(1) Notices of Violations (NOVs) to dischargers with NPDES permits issued by approved States; issuance of Section 309(a)(3) orders to dischargers with EPA - issued permits and to dischargers with State - issued permits who fail to comply with NOV's; and referrals to U.S. Attorneys for civil or criminal relief to remedy violations of NPDES permits and the FWPCA. The law provides for $10,000 civil penalties and $25,000 criminal fines per day of violation.

WATER ENFORCEMENT ACTIONS INITIATED BY EPA
DECEMBER 1974 - DECEMBER 1975
BY CATEGORY, BY MONTH

		Section 309			Section 311			
	Administrative Order	Notice of Violation	Referrals	Oil Spills USCG	Spill Referrals US ATTY	Spill Prevention Control Countermeasure	Refuse Act & Ocean Dumping	TOTAL ACTIONS
1974 Dec	78	1	10	53	0	55	0	197
1975 Jan	42	0	2	72	8	43	1	168
Feb	27	0	19	67	3	46	0	162
Mar	70	3	2	65	1	49	3	193
Apr	67	8	11	88	2	82	2	260
May	38	8	7	113	0	49	0	215
Jun	82	6	8	110	1	170	1	378
Jul	80	11	9	64	2	33	0	199
Aug	44	15	12	165	4	25	0	265
Sep	101	10	13	72	5	136	0	337
Oct	71	9	12	120	2	116	0	330
Nov	64	7	5	71	0	162	0	309
Dec	65	23	13	56	2	148	0	307
TOTAL	829	101	123	1116	30	1114	7	3320

EPA WATER ENFORCEMENT ACTION BY REGION

DECEMBER 1974 - DECEMBER 1975

	I	II	III	IV	V	VI	VII	VIII	IX	X	TOTAL
SECTION 309 - FWPCA											
Administrative Order	49	54	135	190	81	93	101	41	26	59	829
Notice of Violation	2	0	0	0	20	0	5	40	30	4	101
Referrals	11	8	3	27	34	4	10	14	4	8	123
SECTION 311 - FWPCA											
Oil Spills USCG	47	12	60	128	273	399	74	76	7	40	1116
Spill Referrals US Atty	0	0	3	4	8	2	13	0	0	0	30
Spill Prevention Control Counter-measure viol.	69	99	42	520	53	32	126	27	123	24	1114
Refuse Act & Ocean Dumping Act	0	3	0	0	1	0	3	0	0	0	7
TOTAL	177	176	243	869	470	530	332	198	190		3320

As violations become apparent through compliance monitoring, they receive a response from the Regional Office (e.g., telephone call, letter, request for a conference, inspection, administrative order, NOV or judicial action). Voluntary compliance is sought first as the easiest most cost-effective way in which to obtain compliance. However, EPA's response to identified violations reflects the seriousness of the violation and involves taking formal civil or criminal action following a significant violation of permit conditions or where efforts to achieve voluntary compliance are unsuccessful.

NPDES Enforcement activity has increased substantially in the past year: 829 administrative orders and 101 Notices of Violation were issued, and 123 cases were referred to Justice for civil or criminal relief, as opposed to a total of 388 Administrative Orders and Notices of Violation and 22 case referrals to Justice for civil or criminal relief in 1974. Enforcement activity can be expected to continue to increase as more schedules and deadlines fall due.

Non-NPDES Enforcement

The non-NPDES enforcement program is responsible for providing technical and legal support to achieve compliance with section 311 and Section 404 of the FWPCA, the Refuse Act, Safe Drinking Water Act, and the Marine Protection, Research and Sanctuaries Act.

FWPCA - Section 311

EPA shares responsibility under Section 311 with the Coast Guard and other Federal Agencies. EPA's enforcement activities are aimed at the elimination of spills through the investigation and referral of spill cases to the Coast Guard for the assessment of civil penalties of up to $5,000 per violation under Section 311 (b)(6), and the investigation and legal assistance provided in the referral of spill cases to the U.S. Attorneys for assessing criminal penalties of up to $10,000 or imprisonment for not more than one year per violation under section 311 (b)(5).

To achieve compliance with Spill Prevention, Control, and Countermeasure (SPCC) regulations, inspections are conducted to confirm the implementation of SPCC plans, followed by the issuance of Notices of Violation where appropriate and the scheduling of informal hearings for the imposition of civil penalties of up to $5,000 per violation. EPA refers cases to U.S. Attorneys for the collection of these penalties where there is refusal to pay.

Since December 1974, more than 1100 oil spill cases were referred to the U.S. Coast Guard for civil relief, 30+ oil spill cases were referred to the U.S. Attorneys for criminal penalties; penalty proceedings were thusfar concluded by EPA in 718 of the 1,114 SPCC violations pursued to December 1975.

FWPCA - Section 404

The year 1975 was a landmark in the development of the Section 404 dredge and fill permit program. On March 27, 1975, the U.S. District Court for the District of Columbia in the case NRDC v Calloway, et. al., issued an order to the Corps of Engineers (Corps) to promulgate Section 404 (c) guidelines providing for the issuance of permits for the discharge of dredge or fill materials into all the "waters of the U.S." The traditional definition of "navigable" waters as used by the Corps was expanded to include all the waters of the U.S., not merely those technically "navigable."

On July 25, 1975, the Corps proposed in interim final form its 404(a) permit issuance regulations.

Pursuant to Section 404 (b), EPA, on September 5, 1975, issued guidelines to assist the Corps in determining which disposal sites would be appropriate to receive dredge or fill material discharges.

From September through the present, the Corps and EPA, in conjunction with the Department of Justice, have developed a procedure for administrative and judicial enforcement arising from dischargers' failure to comply with Section 404. The procedure, which should be finalized by September 1976, would make the Corps primarily responsible for administrative enforcement and civil and criminal referrals to the Department of Justice, but specifies that EPA may act independently of the Corps where appropriate (e.g., emergencies).

In any cases referred to the Department of Justice or instituted by the Department of Justice arising out of Section 404 noncompliance, EPA will be afforded the right to function as Co-Counsel, aiding the Department of Justice in all aspects of case preparation. This will enable the Agency to aid in the vigorous protection of our nation's valuable water resources, particularly our wetlands. To date several penalties have been collected for 404 violations.

Polluting Spills Reported in U.S. Waters, 1971–74

Spills, by category [1]	Number of incidents				Total volumes in gallons			
	1971	1972	1973	1974	1971	1972	1973	1974
Type of location								
Inland waters	631	582	1,722	2,815	1,409,987	2,270,771	7,117,239	9,588,437
Coastal waters	7,201	7,442	9,871	9,503	6,720,259	14,277,675	15,490,447	8,361,932
Open waters (Great Lakes or territorial seas)	315	423	571	251	37,736	24,681	419,428	108,218
Contiguous zone (from 3 to 12 miles from coastline)	396	901	483	164	631,177	34,793	1,218,960	24,708
High seas	193	583	681	1,233	20,484	2,197,812	68,944	52,347
Type of pollutant								
Light oil [2]	4,320	4,290	4,104	2,657	2,822,463	6,578,653	6,415,242	3,181,561
Heavy oil [3]	1,603	2,049	2,851	5,084	2,934,181	1,761,301	4,638,127	12,784,816
Solvent	(4)	(4)	49	44	(4)	(4)	32,489	13,114
Waste oil	930	890	1,003	1,094	164,352	8,087,043	1,211,121	111,900
Other oil	669	1,151	2,996	2,774	2,714,399	357,724	2,880,169	820,694
Other materials (including sewage, refuse, etc.)	269	428	774	470	115,042	2,025,897	8,339,714	1,193,737
Unknown	945	1,123	1,551	1,843	89,085	18,114	1,128,066	56,816
Source								
Vessels								
Dry cargo vessels	371	402	353	377	418,206	42,771	350,409	90,927
Tank ships	386	483	829	973	1,666,284	2,582,932	4,494,524	1,434,168
Tank barges	828	830	718	933	1,197,819	3,739,144	1,572,089	2,488,724
Combatant vessels	261	294	246	278	440,849	40,923	17,983	39,582
Other vessels	388	494	1,408	1,265	180,127	96,508	1,184,754	283,007
Land vehicles	77	145	308	373	101,225	172,519	741,880	735,548
Nontransportation-related facilities, refineries	198	185	214	198	2,298,731	42,027	166,403	772,634
Pipelines	(5)	216	559	957	(5)	1,237,227	1,847,498	6,205,372
Other land transportation facilities	22	68	162	3,489	199,861	13,331	191,285	2,695,472
All other onshore and offshore facilities [6]	3,723	3,804	3,904	799	2,158,718	10,482,247	6,479,482	1,967,551
Miscellaneous and unknown	2,482	3,010	4,634	4,867	310,573	354,083	[7] 7,009,252	1,819,629
Cause								
Casualty (includes collision, grounding, and blowouts)	214	360	[8] 2,798	952	3,048,719	4,062,094	[8] 16,068,447	4,861,431
Rupture, leak, or structural failure	2,757	2,201		2,352	3,715,067	4,823,322		7,234,937
Equipment failure (valves, pumps)	947	1,542	1,872	2,163	274,049	293,796	808,340	1,108,008
Personnel failure	829	1,287	2,284	2,707	1,035,990	940,316	1,127,861	3,544,676
Deliberate discharges	359	487	999	316	98,862	66,615	2,176,909	292,193
Natural phenomenon	94	257	354	380	5,805	8,046,972	2,051,364	241,410
Unknown	3,536	3,827	5,906	5,156	712,281	551,758	2,090,207	898,088
Total spills reported	8,736	9,931	13,328	13,966	8,839,523	18,806,732	24,314,918	18,132,638

[1] The U.S. Coast Guard has no reason to believe that the number of discharges in 1973 was any greater than in 1971 or 1972. The increase in the number reported probably reflected public awareness of the legal requirement to report discharges.

[2] Data for 1971 and 1972 include gasoline, light fuel oil, kerosene, and light crude; 1973 data include crude oil, gasoline, and other distillate fuel oil.

[3] Data for 1971 and 1972 include diesel oil, heating oil, heavy fuel oil, heavy crude, and asphalt; 1973 data include diesel oil, asphalt, and residual fuel oil.

[4] Data for 1973 added the category of solvents, previously included under several other categories.

[5] Pipeline data for 1971 are included under other categories.

[6] Changes in 1973 "source" categories make it necessary to combine some onshore and offshore production, storage, and transfer facilities in order to compare data to those for 1971 and 1972.

[7] Includes one 5-million-gallon sewage spill.

[8] Changes in 1973 "cause" categories make it necessary to combine the categories of "casualty" and "rupture, leak, or structural failure."

Source: U.S. Department of Transportation, U.S. Coast Guard, "Polluting Incidents In and Around U.S. Waters," annual (Washington, 1971, 1972, 1973); U.S. Coast Guard, unpublished data.

Note: Above tabulation reproduced from "Sixth Annual Report of the Council on Environmental Quality", December 1975

DISCUSSION OF SELECTED WATER ENFORCEMENT CASES

The follow-on discussion in the next several pages is intended to present key facts and circumstances surrounding selected individual cases pursued by EPA under the Federal Water Pollution Control Act, and to acquaint the interested reader with some of the results obtained to date.

A newly-reported collection of gains and successes in improving the quality of the Nation's waters is also included in the latter part of CHAPTER VI -- N.P.D.E.S. PERMIT PROGRAM, immediately following this Chapter.

The following enforcement actions are discussed here:

.... UPDATE ON RESERVE MINING CASE (LAKE SUPERIOR, MINNESOTA)

.... AMERICAN CRYSTAL SUGAR COMPANY (GOOSE RIVER, NORTH DAKOTA)

.... HOLLY SUGAR CORPORATION (YELLOWSTONE RIVER, MONTANA)

.... SOBIN CHEMICALS, INC. (LAKE ERIE, OHIO)

.... DETREX CHEMICAL INDUSTRIES, INC. (LAKE ERIE, OHIO)

In order to update the reader on the outcome of an important case initiated by the State of Illinois against a steel company, in which EPA was requested and did furnish documentary evidence using remote sensing technology playing an important role in the ruling on the case, a separate discussion is included on

.... REMOTE SENSING UPDATE (INLAND STEEL COMPANY, LAKE MICHIGAN)

UPDATE ON RESERVE MINING COMPANY CASE

The previous EPA Enforcement Report contained a capsule review of major events transpiring through October 1974 in this most costly and protracted water pollution litigation. A number of significant developments have occurred since that time. In response to numerous public inquiries, a chronological account of events to date appears below.

To recap briefly, the Reserve Mining Company, an equally-owned subsidiary of ARMCO and Republic Steel Companies, is dumping 67,000+ tons per day of Taconite iron ore processing wastes into Lake Superior at Silver Bay, Minnesota. Because State-initiated litigation and Federal administrative enforcement actions -- both begun as long ago as 1969 -- failed to produce abatement of the pollution caused by this discharge, the Federal Government, joined by the States of Minnesota, Michigan, Wisconsin, and various environmental interest groups, filed suit in Federal Court, alleging violations of the Refuse Act of 1899, the pre-1972 Federal Water Pollution Control Act, and the Federal common law of public nuisance. Trial began on August 1, 1973, held by Federal District Court Judge Miles W. Lord, District of Minnesota. 1/

Until June 8, 1973, the case was essentially a water pollution abatement case, but with the discovery by EPA researchers that asbestos fibers traceable to the Reserve Mining operations were present in the air at Silver Bay and in the drinking water supplies of various cities and communities on Lake Superior's western shore, the public health hazard posed by these asbestos fibers became a signal focus of the trial proceedings.

On April 20, 1974, after hearing extensive testimony by plaintiffs, defendants, and independent Court-appointed experts, Judge Lord entered an order closing Reserve Mining's Silver Bay facility on the grounds that Reserve's water discharge violated Federal water pollution laws, that its air emissions violated State air pollution regulations, and that both the air emissions and water discharges constituted common law nuisances. The core findings basic to the decision were that the discharge into the air substantially endangered the health of the people of Silver Bay and surrounding communities as far away as the eastern shore in Wisconsin, and that the discharge into the water substantially endangered the health of people procuring their drinking water from the western part of Lake Superior, including the communities of Beaver Bay, Two Harbors, Cloquet, Duluth, as well as Superior, Wisconsin. 2/

Reserve Mining immediately appealed Judge Lord's injunction, and a panel comprised of Circuit Judges Bright, Ross, and Webster of the U.S. Court of Appeals, Eighth Circuit, granted a short stay of the injunction on the evening of April 22, 1974, following an informal hearing conducted at Springfield, Missouri, to hear counsel for the opposing parties. On June 4, 1974, the same three-judge panel issued a 70-day stay of the injunction, conditioned "...upon Reserve taking prompt steps to abate its discharges into air and water...." 3/

The June 4, 1974 Appeals Court Order granting a 70-day continuation of the stay also remanded the case to the District Court and set out a procedure by which Reserve was to submit plans for abating its discharges into the air and water, with plaintiffs accorded an opportunity to comment on such plans. The District Court then was to make its recommendations to the Court of Appeals on whether the stay of the injunction should be continued pending the appeal on the merits. Such recommendation should rest on "whether Reserve and its parent companies have evidenced good faith efforts and a reasonable plan in the public's interest to abate the pollution of air and water..." In an August 3, 1974 opinion, Judge Lord found that the plan advanced by Reserve was "...conceptual at best...", and that he recommended its rejection, as well as the non-continuance of the stay order. 4/

In October 1974, Minnesota and the United States applied to the United States Supreme Court for relief from the further stay order. The Supreme Court denied the petition, indicating it would reconsider if the Appeals Court did not resolve the case by January 31, 1975. 5/

On October 18, 1974 Judge Lord issued an unpublished memorandum opinion, ruling that Reserve's discharge to water violated the Refuse Act of 1899, and that its water discharges and air emissions violated various Minnesota statutes and regulations; noting no just reason for delay, he directed the entry of final judgment on all claims decided, save the question of fines and penalties, the question of sanctions for failure to make discovery, and the question of liability of defendants for the water filtration systems that may be installed in Duluth, Minnesota, and Superior, Wisconsin. 6/

The Eighth Circuit Court of Appeals issued its opinion on the merits of the case on March 14, 1975, affirming the injunction but directing modification of its terms. The key rulings by Circuit Judges Lay, Bright, Ross, Stephenson, and Webster, sitting En Banc, are quoted below:

> "...1) The United States and the other plaintiffs have estabished that Reserve's discharges into the air and water give rise to a potential threat to the public health. The risk to public health is of sufficient gravity to be legally cognizable and calls for an abatement order on reasonable terms.
>
> 2) The United States and Minnesota have shown that Reserve's discharges violate federal and state laws and state pollution control regulations, also justifying injunctive relief on equitable terms.
>
> 3) No harm to the public health has been shown to have occured to this date, and the danger to health is not imminent. The evidence calls for preventive and precautionary steps. No reason exists which requires that Reserve terminate its operations at once.
>
> 4) Reserve, with its parent companies, Armco Steel and Republic Steel, is entitled to a reasonable opportunity and a reasonable time period to convert its Minnesota taconite operations to on-land disposal of taconite

tailings and to restrict air emissions at its Silver Bay plant, or to close its existing Minnesota taconite-pelletizing operations. The parties are required to expedite consideration and resolution of these alternatives.

5) The evidence suggests that the threat to public health from the air emissions is more significant that that from the water discharge. Consequently, Reserve must take reasonable immediate steps to reduce its air emissions........." 7/

In remanding the case to the District Court, the Court of Appeals addressed additional issues, among them the following:

a) Only Reserve Mining and the State of Minnesota are to resolve the dispute over an on-land disposal site for the taconite tailings wastes. The Federal Government, Michigan, Wisconsin, and the Federal Courts have no rights of participation in the decision-making process, except as provided by Minnesota law, although the United States may petition the District Court for relief to protect its interest if either Minnesota or Reserve Mining do not act expeditiously. (The Appeals Court envisioned one year after final appellate decision to be a reasonable time for Minnesota to act on Reserve Mining's application for an on-land disposal site, including time for the two parties to agree on another site; after these administrative steps, Reserve is to be given reasonable turnaround time to construct the facility.)

b) Until Reserve's discharges are eliminated, filtered water is to be provided to the people of Duluth and other communities on Lake Superior.

On January 6, 1976, the Eighth Circuit Court of Appeals ordered that the case be remanded to the Chief Judge of the District Court for reassignment to another District Judge. 8/

Following the January 6 decision for remand, District Court Chief Judge Edward J. Devitt took over the case. In a statement issued on January 23, 1976, he summarized the issues remaining within the province of the Federal Court, as follows:

" 1) To continue ready availability of safe filtered water to all persons in the area until completion of permanent filtration facilities.
2) To give expeditious hearing to claimed new evidence on the health hazard.

3) To determine reimbursement for filtration expense.
4) To consider assessment of fines, penalties and costs.
5) To afford court supervision over, and enforcement of, time schedules and abatement orders. "The court will be watchful, as charged, that Minnesota and Reserve move on schedule with 'deliberate speed to facilitate Reserve's determination of its water discharge and air pollution'." 9/

On February 21, 1976, Judge Devitt ruled that liability rested on Reserve Mining, Armco, and Republic for interim filtration and water supply expense reasonably incurred by the United States pursuant to the Court-ordered program. He denied a motion by the United States to require advance payment of anticipated expenses because the need for such was not shown in view of the adequacy of funds allocated to the Corps of Engineers to carry out the Court-ordered program. In discussing Reserve's urging that the government, rather than Reserve, should foot the bill for clean water costs -- given Reserve's anticipated changeover-to-land-disposal expenses and its historical contribution to Northern Minnesota's economy -- Judge Devitt observed as follows:

> "...The history of the beginnings of the taconite industry in Northern Minnesota and its successful operation for many years may well reflect just what is represented by defendants, but this does not minimize the obligation of defendants to shoulder the legal liabilities incident to the operation of a profit-making corporation in the free enterprise system. This was exactly the kind of business risk assumed by Reserve when it sought, and was granted, the necessary permits to discharge its tailings in Lake Superior...
>
> Then Minnesota Conservation Commissioner Chester S. Wilson warned Reserve of this risk at a public hearing on June 17, 1947 in an exchange with H.S. Taylor, representing Reserve. The colloquy:
>
> Chairman Wilson: 'And you understand that if the permit should be granted and the discharge from the water from this plant should result in damaging consequences not contemplated, that the responsibility would be on your company or on the applicant company to take whatever action might be necessary to remedy those conditions.'
>
> Mr. Taylor: 'Why yes, we can stand that risk in any event we have to take certain risks.'
>
> Later at the hearing, Mr. Taylor said: 'This company will be a responsible company and we will recognize our legal liabilities.'
>
> The Court finds legal liability upon Reserve and hopes it will be a responsible company and recognize it....." 10/

On May 4, 1976, Judge Devitt fined Reserve Mining Company more than $1 million for violations of its Minnesota water discharge permit and for violation of Court rules on discovery. In addition, Judge Devitt ordered Reserve to pay $22,920 to Duluth, Minnesota for reimbursement of costs incurred in supplying filtered water to the City. In the language of the Order:

> "SUMMARY"
>
> "We determine that:
>
> 1. Defendants violated the terms of the state granted water discharge permits daily between May 20, 1973 and April 20, 1974 - a period of 335 days - and are assessed penalties of $2,500.00 per day for a total of $837,500.00.
>
> 2. Reserve violated court rules and orders as to discovery and is assessed sanctions of $200,000.00.
>
> 3. The city of Duluth is entitled to be reimbursed in the approximate sum of $22,920.00 for furnishing interim clean water facilities and supplies to its residents."

The Chief Judge then observed:

> "The court has now determined all pending issues properly within its province. Remaining for resolution is agreement between the State of Minnesota and Reserve Mining Company as to an appropriate on-land taconite waste disposal site. Prompt accord on this issue hopefully will signal the end of this long pending, and often acrimonious, controversy so that Minnesota and its people can return to a normal and productive society with the environment preserved and public health protected." 11/

As this report went to press, Reserve Mining Company had appealed Judge Devitt's Order.

Through its Reserve Mining Task Force, EPA and other concerned Federal agencies are continuing to cooperate with the State of Minnesota, offering expert advice and assistance to aid in achieving the long-awaited permanent resolution of the problem in an expeditious and environmentally-sound fashion.

FOOTNOTES/REFERENCES TO RESERVE MINING CASE UPDATE

1/ The Federal/State enforcement steps pursued prior to August 1, 1973 to abate the pollution caused by Reserve Mining Company's discharge to Lake Superior included the following actions:

1/16/1969 -- Secretary of the Interior called Enforcement Conference for Lake Superior under Sect. 10(d) of pre-1972 FWPCA
5/13/1969 -- Lake Superior Enforcement Conference commences
Feb. 1970 -- Minnesota Pollution Control Agency files suit in State Court, charging violation by Reserve Mining Company of State anti-pollution law and of State's interstate water quality standards. See Reserve Mining Co. v. Minnesota Pollution Control Agency (4 ERC 1513)
4/28/71 -- U.S. Environmental Protection Agency issues 180-Day Notice under Sect. 10(c)(5) of pre-1972 FWPCA (thereby discontinuing Sect. 10(d) procedure
1/19/1972 -- EPA requests Attorney General of the U.S. to file suit in Federal Court under Sections 10(c)(5) & 10(g)(1)
2/14/1972 -- EPA requests Atty. General to file additional claim under Sect. 10(g)(2), based on Minnesota Governor's consent.

2/ U.S. v. Reserve Mining Co., 380 F.Supp.11,16,17,20,21 (6 ERC 1449) D. Minn. 1974, and Supplemental Memorandum Opinion of May 11, 1974, 380 F.Supp. 11,21 (6 ERC 1657) D. Minn. 1974

3/ Reserve Mining Co. v. U.S., 498 F.2d 1073 (6 ERC 1609), 8th Cir.1974

4/ Reserve Mining Co. v. U.S., 498 F,2d 1073 (6 ERC 1609), 8th Cir.1974

5/ Minnesota v. Reserve Mining Co., 95 S.Ct.287 (7 ERC 1113) 1974

6/ (7 ERC 1096)

7/ Reserve Mining Co. v. U.S., 514 F.2d 492,499-500 (7 ERC 1618) 8th Cir.1975

8/ (8 ERC 1511)

9/ Statement of Chief Judge Edward J. Devitt, January 23, 1976

10/ (8 ERC 1689)

11/ (8 ERC 1978);(5-72-Civil-19)Order filed May 4, 1976, DC,Minn,Fifth Div.

AMERICAN CRYSTAL SUGAR COMPANY, HILLSBORO, NORTH DAKOTA (EPA REGION VIII)

On October 14, 1975, judgment was entered in the United States District Court for the District of North Dakota in accordance with a consent agreement between the American Crystal Sugar Company and the Environmental Protection Agency. The judgment imposed a $50,000 civil penalty and required the Company to develop an effective system to control the accidental discharge of pollutants from its sugar refining facility.

American Crystal Sugar Company, the successor in interest of the Red River Valley Cooperative, operates a sugar beet processing facility at Hillsboro, North Dakota. The Company produces and uses large quantities of molasses in the course of its operations. The Red River Valley Cooperative did not apply for a NPDES Permit at the inception of its operations.

On November 26, 1974, an EPA inspector discovered 20 to 30 tons of molasses in a drainage ditch adjacent to the Company's Plant. The molasses had apparently been discharged from the plant into the ditch. Subsequently, a substantial quantity of molasses flowed from the drainage ditch into the Goose River, a tributary of the Red River.

In its legal action, EPA charged the Red River Valley Cooperative with discharging waste into the Goose River on at least five separate occasions, asserting that the discharges definitely were not the result of one isolated incident. EPA further charged that the Cooperative could easily have avoided the discharges through forceful and expeditious recovery actions.

The discharges of molasses into the Goose River caused an immediate and serious reduction in dissolved oxygen levels, reaching a zero level for several days. Without adequate supplies of dissolved oxygen, most fish and other aquatic life cannot survive. The waste flowed from the Goose River into the Red River, occasioning an international incident of some significance as dissolved oxygen levels of the Red River at Emerson, Manitoba, were reduced to zero for several days. Canadian officials protested, requesting EPA to take immediate abatement action.

Since entry of the consent decree, the American Crystal Sugar co. has applied for a discharge permit and has also developed and instituted a spill prevention program. A pond system to trap accidental discharge has been constructed, and numerous internal physical modifications were made at the plant. No further discharges have occurred, and none are expected as long as the spill prevention system is properly maintained.

HOLLY SUGAR CORPORATION, SIDNEY, MONTANA (EPA REGION VIII)

On December 15, 1975, a judgment was entered in the United States District Court for the District of Montana, pursuant to an agreement entered into between Holly Sugar Corporation and the U.S. Environmental Protection Agency.

The judgment imposed a $47,500 civil penalty on Holly Sugar Corporation in connection with alleged discharge permit effluent limitation violations. The consent decree incorporated a forfeiture provision under which the Corporation will automatically forfeit to the United States $10,000 for each calendar month during its 1975-76 processing season in which pollutant levels in the discharge exceed the monthly maximum effluent limitations imposed by the permit.

Holly Sugar Corporation operates a sugar beet processing facility located at Sidney, Montana. The facility discharges its wastewater through a series of treatment ponds connected to a drainage ditch which empties into the Yellowstone River.

The Corporation operated under a discharge permit issued by EPA on July 31, 1973. In bringing its enforcement action, EPA charged that the Corporation discharged organic waste material during the 1974 beet processing season into the Yellowstone River at levels far in excess of the amount allowed under the permit.

Since entry of the consent decree, no organic materials have been discharged into the Yellowstone River by the Holly Sugar Corporation. This accomplishment resulted from a significant improvement of the Corporation's pollution control facilities.

It is apparent that provisions for the automatic forfeiture of significant sums of money in the event a discharger exceeds the specified permit effluent limitations can serve as effective incentives for the development of efficient pollution control systems.

In view of the fact that forfeiture clauses provide a relatively stream-lined approach to the imposition of meaningful penalties, the success in the instant case also demonstrates that this enforcement mechanism can be highly effective as a deterrent to post-settlement permit violations.

SOBIN CHEMICALS, INC., ASHTABULA, OHIO (EPA REGION V)

On October 3, 1975, a consent decree was entered in the United States District Court for the Northern District of Ohio in accordance with an agreement reached between Sobin Chemicals, Inc., and the U.S. Environmental Protection Agency. The judgment imposed a $25,000 civil penalty upon Sobin Chemicals for permit violations and provided for the immediate institution of an effective pollution abatement program by the Company pursuant to provisions of a modified discharge permit issued by the State of Ohio.

EPA had instituted suit in December 1974, charging Sobin with significant violations of the effluent limits imposed by the discharge permit covering the Company's chlorine-alkali production facility in Ashtabula, Ohio. EPA asserted that substantial and excessive quantities of chlorine, mercury, and suspended solids were being continually discharged from the plant into Lake Erie, in violation of permit effluent limitations.

In accordance with the consent decree, Sobin has established a pollution abatement program, has constructed improved pollution control facilities, and is now considered to be in compliance with the provisions of its modified discharge permit. Sobin's discharges of chlorine, mercury and suspended solids have been reduced between 95 and 99 percent since entry of the consent decree.

DETREX CHEMICAL INDUSTRIES, INC., ASHTABULA, OHIO (EPA REGION V)

In a companion case, a consent decree was entered in an action against Detrex Chemical Industries, Inc., Ashtabula, Ohio, on September 30, 1975. Detrex was the predecessor in interest of Sobin Chemicals, Inc.

The consent decree provided for the payment by Detrex Chemical Industries, Inc. of a $55,000 penalty. The EPA suit charged Detrex with numerous violations of permit effluent violations which were alleged to have occurred prior to the sale of the plant at Ashtabula to Sobin Chemicals, Inc. The permit for the chlorine-alkali plant had been issued initially to Detrex, on October 23, 1973. Detrex operated the plant under the permit until May 31, 1974, on which date it sold the facility to Sobin Chemicals, Inc.

REMOTE SENSING UPDATE

The predecessor volume of this report briefly mentioned EPA's intention to look to the newer technologies, such as remote sensing from aircraft and spacecraft platforms, to help in discharging its responsibilities in air and water pollution control, surveillance, and case preparation monitoring.

The following is an update of a State case, made possible because Court proceedings have now been concluded. Highlights are cited here because of their significance as legal precedents.

PEOPLE OF THE STATE OF ILLINOIS, ex rel. WILLIAM J. SCOTT
Attorney General of the State of Illinois, AND
THE METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO
A Municipal Corporation
v. (CONSOLIDATED CASES 72-CH-259
INLAND STEEL COMPANY 76-CH-5682
A Delaware Corporation

On September 8, 1975, Judge Nathan M. Cohen of the Circuit Court of Cook County, Illinois, issued a ruling which found that discharges from Inland Steel Company's East Chicago, Indiana, steel mill were polluting Lake Michigan in violation of applicable laws.

Judge Cohen imposed a fine of $1.9 million, plus $1,000 per day for each additional day of violation following the date of his ruling, until "....the defendant embarks upon a program of action in compliance with this Court's decree....."

The ruling came after an extensive trial period, commencing on April 10, 1974, and many months of negotiations. The State's action was initially filed by the Attorney General of Illinois in 1972, and was consolidated with a similar action filed in 1967 by the Metropolitan Sanitary District of Greater Chicago. *

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* Under Section 1043 of the Illinois Environmental Protection Act, the Attorney General is empowered to institute a civil action on his own motion to halt any discharge or other activity causing or contributing to substantial danger to the environment or to public health. In ruling on the issue of jurisdiction, Judge Cohen rejected the assertion that Illinois law could not be applied to abate pollution from an Indiana defendant. An action brought to abate the pollution of interstate water "is clearly a proper one under the provisions of the Federal Water Pollution Control Act, 33 USC 1151,et seq...". Moreover, "..it is clear that pollution of interstate waters can constitute a public nuisance under the federal common law...."

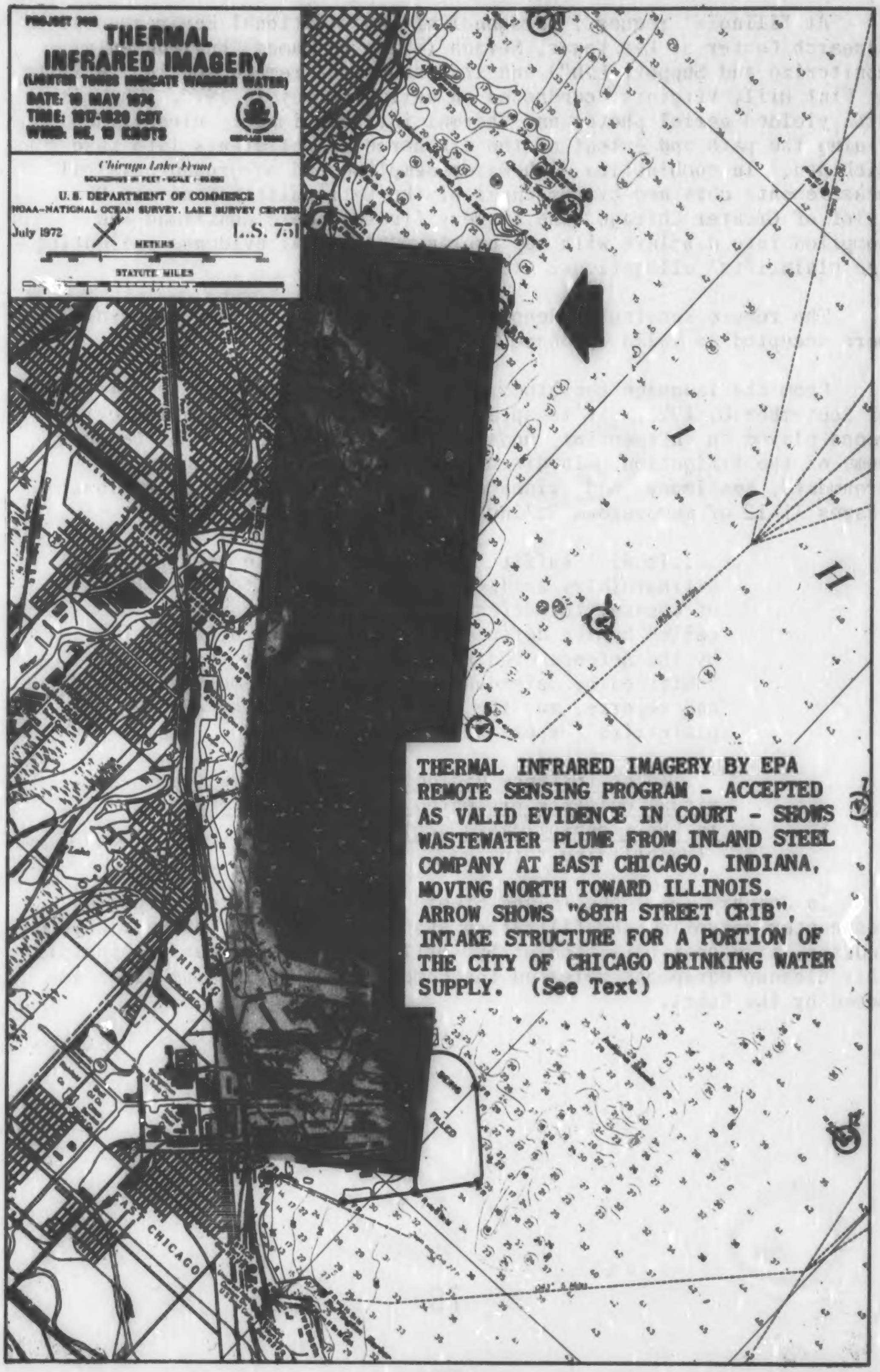
At Illinois' request, personnel of EPA's National Environmental Research Center at Las Vegas, Nevada (since re-named "Environmental Monitoring and Support Lab") and its associated remote sensing facility at Vint Hill, Virginia, conducted an aerial survey in 1974. The mission yielded aerial photos and thermal infrared imagery clearly defining the path and extent of the discharge of pollutants into Lake Michigan. In combination with water sampling and on-ground physical measurements obtained by personnel of the Metropolitan Sanitary District of Greater Chicago, the imagery findings were confirmed and compiled into displays with map overlays as visual evidence validating the plaintiffs' allegations. (See Photo)

The remote sensing evidence and confirmatory support materials were accepted as valid evidence during the trial.

From the language contained in Judge Cohen's memorandum ruling of September 8, 1975, it is apparent that this remote sensing evidence played an influential, and possibly decisive, role in the outcome of the litigation. In discussing the merits of defendant's arguments, testimony, and evidence, Judge Cohen observed as follows: (Pages 11-12 of Memorandum Ruling)

> "....It will suffice to say that despite the extraordinary ability and dedicated efforts of counsel for defendant Inland, the experts called by the defense and the evidence offered by the defense eradicate neither the facts established by defendant's own company memoranda and reports, nor the convincing testimony of plaintiffs' expert witnesses....."
>
> "...In no instance did defendant overcome the visual evidence presented by the plaintiffs in these consolidated actions....."
> (Underlining supplied)

In January 1976, the Inland Steel Company agreed to install a wastewater recycling and filtration system at its plant at East Chicago, Indiana, at a cost estimated at $90 million. The agreement to install this cleanup equipment released the Company from paying the fines imposed by the Court.


THERMAL
INFRARED IMAGERY
(LIGHTER TONES INDICATE WARMER WATER)
DATE: 10 MAY 1974
TIME: 1017-1020 CDT
WIND: NE, 10 KNOTS
Chicago Lake Front
U.S. DEPARTMENT OF COMMERCE
NOAA–NATIONAL OCEAN SURVEY, LAKE SURVEY CENTER
July 1972
L.S. 751
METERS
STATUTE MILES
I
C
H
WHITING
EAST CHICAGO

THERMAL INFRARED IMAGERY BY EPA REMOTE SENSING PROGRAM - ACCEPTED AS VALID EVIDENCE IN COURT - SHOWS WASTEWATER PLUME FROM INLAND STEEL COMPANY AT EAST CHICAGO, INDIANA, MOVING NORTH TOWARD ILLINOIS. ARROW SHOWS "68TH STREET CRIB", INTAKE STRUCTURE FOR A PORTION OF THE CITY OF CHICAGO DRINKING WATER SUPPLY. (See Text)

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT

Title I of the Marine Protection, Research, and Sanctuaries Act provides for the United States Coast Guard to conduct surveillance and enforcement activities to prevent unlawful ocean dumping. EPA has the authority to assess civil penalties for violation of ocean dumping permit conditions, and to seek criminal prosecution against persons who knowingly violate the Act.

In the 2½ years of the program's existence, the Coast Guard has referred more than 150 violations to EPA. Most of the violations, (approximately 75%) were minor in that the permittee failed to notify the Captain of the Port of a dump. Most of the remaining violations which have resulted in enforcement actions were resolved without the imposition of a penalty. Civil penalties were imposed in seven cases, amounting to $80,000 of which $55,000 has been collected. In one case, the defendant is pursuing court appeal of a $25,000 penalty.

Since 1972, EPA has brought all ocean dumping activity under full regulatory control and has required many dumpers either to stop dumping immediately or to phase out these activities within the next few years. In exercising its regulatory responsibilities, EPA has followed a highly restrictive approach, requiring that dumpers seek environmentally acceptable alternatives to ocean dumping even when the wastes involved met the published criteria for issuing permits. While these criteria are judged adequate to permit a short-range determination of the impacts of waste material on marine ecosystems, a restrictive approach is necessary because of the present lack of specific knowledge regarding the long-term damage to the marine environment which could result from continuation of ocean waste disposal practices.

EPA's ultimate goal thus aims toward eventual phasing out of all ocean dumping. Table A shows summary information on the types of wastes and quantities involved nationwide and by minor dumping sites, for the years 1973, 1974, and 1975. Table B shows a listing of industrial dumpers to whom dumping permits were not granted or whose dumping activities were phased out through October 1975. Table C lists permittees who are on implementation plans to phase out ocean dumping by the dates indicated.

The enforcement effort is carried out primarily by EPA's Regional Offices which have broad discretion to resolve issues and assess penalties in individual cases. States may have an advisory role where their individual interests are affected. Table D lists the entities involved in enforcement actions from the inception of EPA's efforts.

Appreciation and gratitude are due the United States Coast Guard whose diligence and continuing cooperation have contributed greatly to the successes achieved to date.

TABLE A

OCEAN DISPOSAL: TYPES AND AMOUNTS, 1975*, 1974**, and 1973***

(IN TONS, APPROX.)

WASTE TYPE	ATLANTIC			GULF			PACIFIC			TOTAL		
	1975	1974	1973	1975	1974	1973	1975	1974	1973	1975	1974	1973
Industrial Waste	3,322,300	3,642,000	3,642,800	123,700	950,000	1,408,000	0	0	0	3,446,000	4,592,000	5,050,800
Sewage Sludge	5,039,600	5,010,000	4,898,900	0	0	0	0	0	0	5,039.600	5,010,000	4,898,900
Construction & Demolition Debris	395,900	770,400	973,700	0	0	0	0	00	0	395,900	776,400	973,700
Solid Waste	0	0	0	0	0	0	0	200	240	0	200	240
Explosives	0	0	0	0	0	0	0	0	0	0	0	
	8,757,800	9,422,400	9,515,400	123,700	950,000	1,408,000	0	200	240	8,881.500	10,372,600	10,923,640

* 1975 Source - EPA Regional Offices. Preliminary Figures from unpublished Reports, 1975 (12 months of dumping activity).

** 1974 Source - EPA Regional Offices. Unpublished Reports, updated information, 1974 (12 months of dumping activity).

*** 1973 Source - EPA Regional Offices. Unpublished Reports, 1973 (8 months of dumping activity, May to December 1973 under permits issued by Ocean Disposal Program extrapolated for 12 months to provide an annual rate).

NOTE: The information above was presented to the Subcommittee on Oceans and the Atmosphere of the Committee on Commerce, U.S. Senate, at its April 12, 1976 Hearings, by Dr. Andrew W. Breidenbach, EPA Assistant Administrator for Water and Hazardous Materials.

TABLE B

OCEAN DUMPING PERMITS NOT GRANTED OR BEING PHASED OUT

	Region	Company	Location	Date Phased Out or Denied
1.	II	Benjamin Moore & Co.	Newark, N.J. 07105	before April 1973
2.	II	Chester Packing Co., Inc.	Chester, N.Y. 10918	before April 1973
3.	II	Childers Products Co.	Bristol, Penn. 19007	before April 1973
4.	II	Clairol, Inc.	Stamford, Conn. 06904	before April 1973
5.	II	Debell & Richardson	Enfield, Conn. 06802	before April 1973
6.	II	Dow Chemical Service	Stoneham, Mass. 02180	before April 1973
7.	II	Drake Bakeries	Wayne, N.J. 07470	before April 1973
8.	II	Drew Chemical	Boonton, N.J. 07005	before April 1973
9.	II	Electro-Nucleonics, Inc.	Fairfield, N.J. 07006	before April 1973
10.	II	Engelhard Industries	Newark, N.J. 07015	before April 1973
11.	II	Fedders Corp.	Edison, N.J. 08817	before April 1973
12.	II	Ford Motor Co.	Mahwah, N.J. 07430	before April 1973
13.	II	Gamlen Chemical Co.	Elmwood Park, N.J. 07407	before April 1973
14.	II	Heinzelmen & Sons	Carlstadt, N.J. 07072	before April 1973
15.	II	B. Horstmann Co.	East Hanover, N.J. 07936	before April 1973
16.	II	I.C.I. America, Inc.	Bayonne, N.J. 07002	before April 1973
17.	II	International Paper	Whippany, N.J. 07981	before April 1973
18.	II	Ivers-Lee Co.	W. Caldwell, N.J. 07008	before April 1973
19.	II	Koppers Co., Inc.	Kearny, N.J. 07032	before April 1973
20.	II	Lehn & Fink, Co.	Belle Mead, N.J. 08502	before April 1973
21.	II	L & M Trucking Corp.	Kenilworth, N.J. 07033	before April 1973
22.	II	Makar Trucking Co.	Mendham, N.J. 07945	before April 1973
23.	II	National Can Corp.	Piscataway, N.J. 08854	before April 1973
24.	II	NL Industries, Inc.	Pedricktown, N.J. 08067	before April 1973
25.	II	Norton & Sons, Inc.	Bayonne, N.J. 07002	before April 1973
26.	II	New York Twist Drill Mfg. Corp.	Ramsey, N.J. 07446	before April 1973
27.	II	The Parker Co.	Wayne, N.J. 07470	before April 1973
28.	II	G. Redner, Inc.	Wanaque, N.J. 07465	before April 1973
29.	II	Sandoz-Wander, Inc.	East Hanover, N.J. 07936	before April 1973
30.	II	Three Star Anodizing Corp.	Beacon, N.Y. 12508	before April 1973
31.	II	Universal Oil Products	East Rutherford, N.J.	before April 1973
32.	VI	E.I. duPont de Nemours	La Place, La. 70068	Nov. 1973
33.	I	Pratt & Whitney	East Hartford, Conn. 06108	1973
34.	II	Biocraft Corp.	Waldwick, N.J. 07463	1973
35.	II	Alcholac, Inc.	Ossing, N.Y. 10562	1973
36.	II	Everlon Fabrics Corp.	Closter, N.J. 07624	1973
37.	II	The Ansul Co.	Marinette, Wisc. 54143	Jan. 1974
38.	II	Consolidated Edison Co.	New York, N.Y. 10003	1974
39.	II	BASF Wyandotte Corp.	So. Kearny, N.J. 07032	1974
40.	II	The Clorox Co.	Jersey City, N.J. 07305	1974
41.	II	Gaess Environmental Services Corp.	Passaic, N.J. 07055	1974
42.	II	Bell Telephone Laboratories	Whippany, N.J. 07981	1974
43.	II	Amerada Hess Corp.	Woodbridge, N.J. 07095	1974
44.	II	Riegel Products Corp.	Milford, N.J. 08848	1974

TABLE B (Cont'd)
OCEAN DUMPING PERMITS
NOT GRANTED OR BEING PHASED OUT (CONT)

	Region	Company	Location	Date Phased Out or Denied
45.	II	General Color Co.	Newark, N.J. 07114	April 1974
46.	II	J.M. Huber Corp.	Edison, N.J. 08817	April 1974
47.	II	Lily-Tulip	Holmdel, N.J. 07733	April 1974
48.	II	The National Lockwasher Co.	North Branch, N.J. 08876	April 1974
49.	II	Howmedica, Inc.	Rutherford, N.J. 07070	April 1974
50.	II	Celanese Coatings Co.	Belvidere, N.J. 07823	April 1974
51.	II	American Cyanamid Co.	Pearl River, N.Y. 10965	April 1974
52.	II	Green Village Packing Co.	Green Village, N.J. 07960	April 1974
53.	II	The Mennen Co.	Morristown, N.J. 07960	April 1974
54.	II	Weyerhaeuser Co.	Closter, N.J. 07624	April 1974
55.	II	Wilson Products Co.	Neshanic, N.J. 08853	April 1974
56.	II	American Cyanamid Co.	Bound Brook, N.J. 08805	April 1974
57.	II	Kimberly-Clark Corp.	Spotswood, N.J. 08804	April 1974
58.	II	St. Regis Paper Co.	West Nyack, N.Y. 10994	April 1974
59.	II	Hercules, Inc.	Kenvil, N.J. 07847	April 1974
60.	II	Dow Chemical	Mt. Holly, N.J. 08060	April 1974
61.	IX	H-10 Water Taxi	San Pedro, Calif. 90733	Sept. 1974
62.	VI	E.I. duPont de Nemours	Belle, W.Va. 25015	Oct. 1974
63.	II	A&S Transport Co.	So. Kearny, N.J. 07032	Dec. 1974
64.	VI	GAF Corporation	Texas City, Texas 77590	Dec. 1974
65.	I	Pine State By-Products, Inc.	S. Portland, Maine 04106	Jan. 1975
66.	VI	E.I. du Pont de Nemours	LaPorte, Texas 77571	Jan. 1975
67.	VI	E.I. du Pont de Nemours	Beaumont, Texas 77704	Feb. 1975
68.	II	Blue Ridge-Winkler Textiles	Bangor, Penn. 18102	June 1975
69.	II	The Nestle Co., Inc.	Freehold, N.J. 07728	June 1975
70.	II	U.S. Radium Corp.	Hackettstown, N.J. 07840	June 1975
71.	II	Tenco Division of the Coca-Cola Co.	Morris Plains, N.J. 07950	June 1975
72.	II	Warner-Lambert Co.	Morris Plains, N.J. 07950	June 1975
73.	II	Mycalex Corp.	Clifton, N.J. 07011	June 1975
74.	II	Worthington Biochemical Corporation	Freehold, N.J. 07728	June 1975
75.	II	Howmet Corp.	Dover, N.J. 07801	June 1975
76.	II	Sherwin Williams Co.	Newark, N.J. 07101	June 1975
77.	II	William Schaeffer Septic	Pequannock, N.J. 07101	June 1975
78.	III	Sun Oil Company	Marcus Hook, Penn. 19061	July 1975
79.	II	Solvents Recovery Services	Linden, N.J. 07036	July 1975
80.	II	Eagle Extrusion Corp.	Dover, N.J. 07801	July 1975
81.	II	Chevron Oil Co.	Perth Amboy, N.J. 08861	Oct. 1975

Note: The information above was presented to the Subcommittee on Oceans and the Atmosphere of the Committee on Commerce, U.S. Senate, at its April 12, 1976 Hearings, by Dr. Andrew W. Breidenbach, EPA Assistant Administrator for Water and Hazardous Materials

TABLE C

PERMITTEES ON IMPLEMENTATION PLANS TO PHASE OUT OCEAN DUMPING

Region	Company	Location	Phase Out Date
II	American Cyanamid Co.	Linden, NJ	1979
	Middletown Sewer Authority	Belford, NJ	1981
	Passaic Valley Sew. Comm.	Newark, NJ	1981
	Allied Chemical Corp.	Morristown, NJ	1981
	The Upjohn Manuf. Co.	Barceloneta, PR	1978
	E.I. duPont de Nemours	Linden, NJ	1981
	City of Long Beach	Long Beach, NY	1981
	Middlesex Co. Sew. Auth.	Sayreville, NJ	1981
	New York City	New York, NY	1981
	Merck & Co., Inc.	Rahway, NJ	1981
	Abbott Chemicals, Inc.	Barceloneta, PR	1978
	NL Industries, Inc.	So. Amboy, NJ	1981
	Modern Transportation Co.	So. Kearny, NJ	1981
	Bergen Co. Sew. Authority	Little Ferry, NJ	1981
	Linden Roselle Sew. Auth.	Linden, NJ	1981
	Elizabeth Joint Meeting	Irvington, NJ	1981
	Pfizer Pharmaceuticals, Inc.	Barceloneta, PR	1978
	Merck Sharp & Dohme	Barceloneta, PR	1978
	County of Nassau	Mineola, NY	1981
	County of Westchester	White Plains, NY	1981
	West Long Beach Sew. Dist.	Atlantic Beach, NY	1981
	Oxochem Enterprises	Ponce, PR	1978
	Puerto Rico Olefins Co.	Ponce, PR	1978
	Whippany Paper Board Co.	Whippany, NJ	1977
	Sobin Chemicals Co.	Newark, NJ	1977
	International Wire Products	Wyckoff, NJ	1977
	City of Glenn Cove	Glen Cove, NY	1981
	Arrow Group Industries	Haskell, NJ	1976
	Reheis Chemical Company	Berkeley Hts., NJ	1977
	Bristol Alpha Corporation	Barceloneta, PR	1978
	M/M Mars	Hackettstown, NJ	1977
	The Coca-Cola Company	Highstown, NJ	1976
	Curtiss-Wright Corp.	Fairfield, NJ	1976
	Norda, Inc.	East Hanover, NJ	1976
	S.B. Penick & CO.	Montville, NJ	1977
	Pfizer, Inc.	Parsippany, NJ	1977
	J.T. Baker Chemical Co.	Phillipsburg, NJ	1977
	Fritzsche Dodge & Olcott	Clifton, NJ	1976
	Keuffel & Esser	Morristown, NJ	1977
	Caldwell Trucking Co., Inc.	Fairfield, NJ	1981
	Schering Corp.	Manati, PR	1978
	American Cyanamid Co.	Wayne, NJ	1976
	S.B. Thomas, Inc.	Totawa, NJ	1976
	General Marine	Bayonne, NJ	1981
	Crompton Knowles	Reading, PA	1981
III	City of Camden	Camden, NJ	1981
	City of Philadelphia	Philadelphia, PA	1981
	E.I. duPont de Nemours	Edge Moor, DE	1978

Note: The information above was presented to the Subcommittee on Oceans and the Atmosphere of the Committee on Commerce, U.S. Senate, at its April 12, 1976 Hearings, by Dr. Andrew W. Breidenbach, EPA Assistant Administrator for Water and Hazardous Materials

TABLE D

ENFORCEMENT ACTIONS

ORDER NO.	RESPONDENT'S NAME	REFERRAL FROM	TYPE OF VIOLATION	NOTICE OF VIOLATION	DISPOSITION	DISPOSAL SITE
			REGION I			
-	Safety Projects & Eng., Co.	EPA	Failed to containarize wastes as specified in permit	02/20/75	$1,500 penalty paid agreed to meet specs.	Region Ind. Dump Site
			REGION II			
73-1	General Marine Trans. Corp.	EPA	Permit condition. Dumping without a permit	11/21/73	Final Order-5/15/74 Hearing Officer upheld General Marine on both counts	Sewage sludge
74-1	Moran Towing & Trans. Co.	USCG	Dumped outside authorized dump site	1/23/74	Final Order-5/27/75 $25,000 penalty payment. Appealed U.S. District Court	Acid wastes
74-2	Modern Transportation Co.	USCG	Dumped outside authorized dump site	04/02/74	Final Order-1/22/75 Charges withdrawn	Sewage sludge
74-3 & 74-5	Pollution Control Ind.	USCG	Dumped outside authorized dump site	04/16/74	Final Order-9/13/74 $40,000 penalty and install additional equipment on towing vessel and barges	Chemical wastes - P.R.
74-4	Spentonbush Transport Service, Inc.	USCG	Dumped outside authorized dump site	06/06/75	Pending	Chemical wastes
75-1	Clerical Error - No investigation necessary					

TABLE D (Cont'd)

ORDER NO.	RESPONDENT'S NAME	REFERRAL FROM	TYPE OF VIOLATION	NOTICE OF VIOLATION	DISPOSITION	DISPOSAL SITE
75-2	Modern Transportation Co.	EPA	Higher concentration of several parameters than that reported in the permit application	03/05/75	Pending	Chemical wastes
75-3	Chemical Recovery, EPL Ind.	EPA	Higher concentration of several parameters than that reported in the permit application	03/05/75	Pending	Chemical wastes
75-4	Nassau County	EPA	Failed to segregate waste	05/06/75	Final Order-6/16/75 No penalty; ordered to terminate dumping of industrial wastes	Sewage sludge
75-5	Moran Towing & Trans. Co.	NASA-EPA	Dumped outside authorized dump site	08/14/75	Pending	Acid wastes
75-6	Pfizer Pharmaceutical, Inc.	EPA	Exceeded volume limit	08/14/75	Final Order-8/28/75 $5,000 penalty payment	Chemical wastes - P.R.
75-7	PCI International, Inc.	EPA	Exceeded volume limit	08/14/75	Final Order-12/3/75 $3,000 penalty payment	Chemical wastes - P.R.
75-8	P.R. Olefins Company	EPA	Exceeded volume limit	09/04/75	Final Order-9/19/75 $4,000 penalty payment	Chemical wastes - P.R.

TABLE D (Cont'd)

ORDER NO.	RESPONDENT'S NAME	REFERRAL FROM	TYPE OF VIOLATION	NOTICE OF VIOLATION	DISPOSITION	DISPOSAL SITE
75-9	PCI & McAllister Bros.	USCG	Dumped outside authorized dump site	12/11/75	Pending	Chemical wastes - P.R.
			REGION VI			
VI-OD-01	Ethyl Corp.	USCG	Violated reporting & dumping conditions	12/09/75	$1,500 penalty payment	Mississippi River Site
			REGION IX			
-	H-10 Water Taxi Service	EPA	Dumping outside authorized dump site	10/74	Permit not reviewed, $1,500 penalty payment	Garbage Site

Note: The information above was presented to the Subcommittee on Oceans and the Atmosphere of the Committee on Commerce, U.S. Senate, at its April 12, 1976 Hearings, by Dr. Andrew W. Breidenbach, EPA Assistant Administrator for Water and Hazardous Materials

CHAPTER VI

PERMIT PROGRAM UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

FEDERAL WATER POLLUTION CONTROL ACT (FWPCA), AS AMENDED (33 USC 1251 et seq. - 1972)

The National Pollutant Discharge Elimination System (NPDES) Permit Program, created under the 1972 Amendments to the Federal Water Pollution Control Act (FWPCA), is the cornerstone of the Nation's water cleanup effort. Under the Act's provisions, discharges by point sources to the waters of the United States are prohibited except as provided in a lawful permit setting forth allowable conditions and cleanup terms with specified deadlines.

The NPDES Permit Program is of pivotal importance to the enforcement programs of the States and EPA. As defined by law and by subsequent judicial interpretations, point sources of waste water discharges embrace all waste-producing sectors of the economy, - whether industrial, municipal, or agricultural in character.

NPDES Permits specify what types of wastes may be discharged in such concentrations and amounts as required to meet specific effluent guidelines, water quality standards, and any other relevant State/Federal requirements. NPDES Permits further specify implementation schedules for attaining the required reduction of pollutants in the wastewater streams.

The 1972 FWPCA Amendments also established substantial fines for noncompliance with the conditions of NPDES Permits, or for illegal discharges without a NPDES Permit, ranging up to $10,000 per day. Willful or negligent violations can bring fines up to $25,000 a day and one year in prison for the first offense, and up to $50,000 a day and two years imprisonment for subsequent violations. EPA can require compliance with permit conditions by issuing administrative orders enforceable in Federal court, or by seeking court action.

STATUS OF NPDES PERMIT ISSUANCES

At the end of 1975, the States and EPA had identified 62,118 municipal and non-municipal discharges or sources as being subject to the NPDES Program. Some 9,259 of these are classed as "Major" discharges which, by virtue of their pollutional significance, receive priority attention; the remaining 52,859 comprise the "Minor" discharges. It should be kept in mind that these respective designations are necessarily relative in character, since the discovery of new facts respecting any individual source may dictate a change in the designation. In general, however, the entities comprising the "Major" discharges at any point in time constitute the overwhelming portion of the "pollution universe" of point sources.

MUNICIPAL AND NON-MUNICIPAL NPDES PERMITS ISSUED BY STATES AND EPA

DECEMBER 31, 1975

	MAJOR DISCHARGES	MINOR DISCHARGES	TOTAL ALL DISCHARGES
TO MUNICIPAL DISCHARGERS	4,375	12,470	16,845
TO NON-MUNICIPAL DISCHARGERS 1/	4,213	22,745	26,958
TOTAL ALL DISCHARGERS	8,588	35,215	43,803
TOTAL DISCHARGERS IDENTIFIED AS SUBJECT TO NPDES PROGRAM THROUGH DECEMBER 31, 1975	9,259 2/	52,859 2/	62,118 2/
PERMITS REMAINING TO BE ISSUED AS OF DECEMBER 31, 1975	671 3/	17,644	18,315

1/ Includes Industrial and Agricultural Sources, and Discharges from Federal Facilities

2/ Excludes Federal Facilities

3/ Permits remaining to be issued to 671 Major Discharges at the end of 1975 comprised 229 Municipal and 442 Non-municipal Discharges in two major categories: (1) Permits issued by some States for which conditions have been challenged are not considered issued until the challenges are resolved, and (2) Additional discharges considered to be significant sources of pollution by the States and EPA have been newly included on the "Major" list.

MUNICIPAL AND NON-MUNICIPAL NPDES PERMITS ISSUED BY STATES AND EPA, AND NUMBER OF DISCHARGERS IDENTIFIED --- DECEMBER 31, 1975 1/

EPA REGION		MUNICIPAL		NON-MUNICIPAL	
		PERMITS ISSUED	IDENTIFIED DISCHARGERS	PERMITS ISSUED	IDENTIFIED DISCHARGERS
I	Major	372	372	436	437
	Minor	288	353	1,129	1,568
II	Major	476	517	508	644
	Minor	632	1,537	710	1,809
III	Major	389	416	392	545
	Minor	1,437	2,785	1,610	4,156
IV	Major	1,258	1,412	1,110	1,199
	Minor	745	1,343	4,206	6,004
V	Major	543	567	663	748
	Minor	4,330	5,039	5,334	6,699
VI	Major	356	359	384	370
	Minor	1,532	1,531	1,975	7,350
VII	Major	377	364	215	215
	Minor	1,880	1,784	3,275	3,807
VIII	Major	226	227	166	166
	Minor	807	840	1,384	1,622
IX	Major	223	214	228	217
	Minor	250	250	1,561	1,608
X	Major	155	156	111	114
	Minor	569	598	1,561	2,176
TOTAL	Major	4,375	4,604	4,213	4,655
	Minor	12,470	16,060	22,745	36,799
GRAND TOTAL		16,845	20,664	26,958	41,454

1/ In some instances, the number of permits shown as issued exceeds the number of sources identified; this may occur because certain large plants have numerous outfall pipes in different areas or in certain cases the type of discharge may vary greatly. Thus, more than one permit may have been issued.

As of December 31, 1975, the States and EPA had issued a total of 43,803 NPDES Permits. This included 8,588 issued to major sources, which account for the bulk of the pollutants discharged by point sources to the Nation's waters, and 35,215 to minor sources.

A total of 18,315 NPDES Permits remained to be issued by the States and EPA on December 31, 1975, including 671 major sources and 17,644 minor sources. As explained in the footnotes to the detailed statistical tables appearing at the end of this chapter, the 671 outstanding permits to major sources fall primarily into two categories: 1) Permits issued by some States for which legal or administrative challenges have been raised are not considered issued until the challenges are resolved, and 2) Additional discharges considered to be significant sources of pollution by the States and EPA have been newly included on the "Major" list. The issuance of all outstanding permits is a priority goal for the States and EPA in the early months of 1976.

FEDERAL FACILITIES

The Federal Water Pollution Control Act requires all agencies of the United States Government to comply with Federal, State, interstate and local water pollution control laws and regulations in the same manner as is expected of any non-governmental pollution source. Additionally, Executive Order 11752 of December 17, 1973, assures that the Federal Government, in the design, construction, management, operation and maintenance of its facilities, will provide leadership in the nationwide effort to protect and enhance the quality of the environment.

While all Federal installations discharging pollutants into water bodies are covered by the NPDES provisions, such permits are issued only by EPA regardless of whether a State has an EPA-approved NPDES Permit Program. All Federal facilities considered to be major sources already were covered by NPDES Permits at the end of 1974. As of December 31, 1975, 2,062 of the 2,564 Federal facilities involved had been issued a NPDES Permit, leaving 502 minor sources remaining to be issued in early 1976.

NON-FEDERAL INVOLVEMENT IN NPDES PERMIT PROGRAM

Early on, EPA concentrated on encouraging the maximum participation by the States and the Public in carrying out the purposes of the NPDES Permit Program. EPA has agreements with many States for joint drafting of permits, joint public notice and public hearing procedures, and joint compliance monitoring visits and surveys. EPA personnel has been assigned to assist States in developing and improving their programs. In some States, EPA has established offices where State and EPA staffs work side by side.

*Denotes EPA-approved
NPDES Permit Program
(As of 12/31/1975)

STATE-BY-STATE BREAKDOWN OF NPDES PERMITS ISSUED BY STATES AND EPA AND TOTAL NUMBER OF DISCHARGERS IDENTIFIED -- AS OF DECEMBER 31, 1975 (MAJOR/MINOR NON-MUNICIPAL & MUNICIPAL SOURCES)

		NON-MUNICIPAL DISCHARGERS						MUNICIPAL DISCHARGERS					
		MAJOR SOURCES		MINOR SOURCES		T O T A L		MAJOR SOURCES		MINOR SOURCES		T O T A L	
EPA REGION	STATE	# ISSUED	# IDENTIFIED	# ISSUED	# IDENTIFIED	# ISSUED	# IDENTIFIED	# ISSUED	# IDENTIFIED	# ISSUED	# IDENTIFIED	# ISSUED	# IDENTIFIED
1	*Conn.	176	177	248	337	424	514	80	80	20	22	100	102
	Me.	50	50	260	357	310	407	60	60	116	127	176	187
	Mass	138	138	312	539	450	677	112	112	42	83	154	195
	N.H.	39	39	118	139	157	178	62	62	35	45	97	107
	R.I.	17	17	142	147	159	164	17	17	17	18	34	35
	*Vt.	16	16	49	49	65	65	41	41	58	58	99	99
	TOTAL	436	437	1,129	1,568	1,565	2,005	372	372	288	353	660	725
2	N.J.	157	208	277	661	434	869	153	156	239	495	392	651
	*N.Y.	293	348	387	950	680	1,298	312	350	329	956	641	1,306
	P.R.	54	78	44	187	98	265	9	10	64	86	73	96
	V.I.	4	10	2	11	6	21	2	1	0	0	2	1
	TOTAL	508	644	710	1,809	1,218	2,453	476	517	632	1,537	1,108	2,054
3	*Dela.	29	32	46	67	75	99	16	16	48	60	64	76
	D.C.	0	4	1	2	1	6	1	1	0	0	1	1
	*Md.	38	44	285	479	323	523	50	61	177	362	227	423
	Pa.	117	167	569	1,569	686	1,736	216	219	661	1,112	877	1,331
	*Va.	89	100	350	698	439	798	61	69	370	699	431	768
	W.Va.	119	198	358	1,341	477	1,539	45	50	181	552	226	602
	TOTAL	392	545	1,610	4,156	2,002	4,701	389	416	1,437	2,785	1,826	3,201
4	Ala.	182	195	330	408	512	603	168	163	79	106	247	269
	Fla.	167	177	702	739	869	916	202	222	94	103	296	325
	*Ga.	82	98	41	454	123	552	119	168	90	289	209	457
	Ky.	131	136	954	1,540	1,085	1,676	164	179	24	47	188	226
	*Miss.	105	97	560	629	665	726	151	150	200	232	351	382
	*N.C.	147	156	818	903	965	1,059	107	170	21	249	128	419
	*S.C.	158	187	136	553	294	740	176	193	140	214	316	407
	Tenn.	138	153	665	778	803	931	171	167	97	103	268	270
	TOTAL	1,110	1,199	4,206	6,004	5,316	7,203	1,258	1,412	745	1,343	2,003	2,755
5	Ill.	124	125	853	990	977	1,115	128	128	1,051	1,158	1,179	1,286
	*Ind.	85	92	737	750	822	842	125	125	881	885	1,006	1,010
	*Mich.	278	290	617	648	895	938	55	55	448	448	503	503
	*Minn.	51	62	601	663	652	725	31	31	541	561	572	592
	*Ohio	53	106	1,650	2,636	1,703	2,742	155	179	891	1,466	1,046	1,645
	*Wis.	72	73	876	1,012	948	1,085	49	49	518	521	567	570
	TOTAL	663	748	5,334	6,699	5,997	7,447	543	567	4,330	5,039	4,873	5,606
6	Ark.	38	38	294	519	332	557	52	54	198	203	250	257
	La.	110	106	263	2,816	373	2,922	65	64	220	231	285	295
	N.M.	15	17	97	239	112	256	11	11	37	35	48	46
	Okla.	46	47	409	871	455	918	54	53	344	332	398	385
	Texas	175	162	912	2,905	1,087	3,067	174	177	733	730	907	907
	TOTAL	384	370	1,975	7,350	2,359	7,720	356	359	1,532	1,531	1,888	1,890
7	Iowa	46	53	503	603	549	656	136	151	544	602	680	753
	*Kans.	64	66	394	499	458	565	54	40	424	359	478	399
	*Mo.	63	60	1,732	1,926	1,795	1,986	91	80	601	516	692	596
	*Nebr.	42	36	646	779	688	815	96	93	311	307	407	400
	TOTAL	215	215	3,275	3,807	3,490	4,022	377	364	1,880	1,784	2,257	2,148
8	*Colo.	61	62	483	581	544	643	92	92	146	167	238	259
	*Mont.	36	36	140	161	176	197	26	26	109	108	135	134
	*N.D.	17	16	53	60	70	76	16	16	232	239	248	255
	S.D.	10	10	94	123	104	133	26	26	207	209	233	235
	Utah	28	28	86	91	114	119	48	48	36	36	84	84
	*Wyo.	14	14	528	606	542	620	18	19	77	81	95	100
	TOTAL	166	166	1,384	1,622	1,550	1,788	226	227	807	840	1,033	1,067
9	Ariz.	19	19	97	13	116	32	28	28	17	17	45	45
	*Calif.	131	143	1,289	1,419	1,420	1,562	144	146	214	213	358	359
	*Hawaii	56	39	125	103	181	142	30	18	13	6	43	24
	*Nev.	12	8	30	45	42	53	18	18	1	2	19	20
	Samoa	4	2	0	1	4	3	0	1	0	1	0	2
	Guam	6	6	7	10	13	16	0	0	1	7	1	7
	Tr.Territ.	0	0	13	17	13	17	3	3	4	4	7	7
	TOTAL	228	217	1,561	1,608	1,789	1,825	223	214	250	250	473	464
10	Alaska	30	30	299	499	329	529	7	7	38	44	45	51
	Idaho	13	13	246	344	259	357	24	24	85	95	109	119
	*Ore.	31	31	479	678	510	709	56	56	226	231	282	287
	*Wash.	37	40	537	655	574	695	68	69	220	228	288	297
	TOTAL	111	114	1,561	2,176	1,672	2,290	155	156	569	599	724	754
GRAND TOTAL....		4,213	4,655	22,745	36,799	26,958	41,454	4,375	4,604	12,470	16,060	16,845	20,664

Note: In some instances, the number of permits shown as issued exceeds the number of sources identified. According to the Program Reporting Division at EPA Headquarters, this may occur because certain large plants have numerous outfall pipes in different areas, or in certain cases the type of discharge may vary greatly; thus, more than one permit may have been issued.

EPA Regions have also made a concerted effort to involve the Public in the range of processes leading to decision-making under the NPDES Permit Program, particularly by working with public interest groups and environmental organizations. The effort has resulted in a gratifying degree of more and better informed public involvement in the total permit issuance process, in pre-hearing meetings and hearings leading to EPA approval of State-administered NPDES Permit Programs, and in Adjudicatory Hearings leading to resolution of challenges of cleanup conditions imposed in NPDES Permits. Not least, EPA cooperated with the Conservation Foundation in holding seminars around the country to explain the NPDES Program and to seek and encourage more active and informed participation by all segments of the Public.

SIGNIFICANT ACCOMPLISHMENTS TOWARD IMPROVED WATER QUALITY

The signs are mounting that the Nation's effort to combat water pollution is producing results. Because the NPDES Permit Program is the key instrument of this effort, imposing, as it does, enforceable deadlines and specific conditions as to the effluent quality judged acceptable for discharge by point sources, a collection of success stories newly reported by EPA's Regional Offices is presented in this Chapter. It is a growing collection -- one which the States and EPA can share with justifiable pride.

LAKE MICHIGAN - INDIANA TRIBUTARIES: (EPA REGION V)

"....Coho and Chinook salmon, steelhead, pike, and bass are now being caught by thousands of fishermen on the Little Calumet River, Salt Creek and Trail Creek. These urban streams which are major Indiana tributaries to Lake Michigan have for many years suffered like the more famous Grand Calumet River from gross water pollution. Several years ago, the Indiana Stream Pollution Control Board started a systematic upgrading program, working with Valparaiso, Michigan City, and the numerous small treatment plant operators to maximize waste treatment with existing physical facilities. Through altered treatment techniques and the use of chemical additives, the equivalent of single stage nitrification has been obtained. Additional construction of normal treatment and storm and combined sewer control works is underway which will make these improvements permanent. The 1975 run of sport fish and their establishment are the positive result of the State's effort to rehabilitate these waterways and return them to usefulness....."

LAKE MICHIGAN - CHICAGO LAKEFRONT: (EPA REGION V)

".....For the first time in many years, twenty-five miles of bathing beaches have been opened this year (1975) in the northern suburbs of Chicago. This area, combined with the presently opened City of Chicago beaches, makes available some 45 miles of swimmable water to Chicago area residents. These water quality improvements are the result of construction by the Northshore Sanitary District of extensive treatment and diversion facilities. Previously normal treatment was at best inadequate, and often raw sewage overflows occurred on these northside beaches, making them unsafe for swimming use and endangering northshore (drinking) water supplies....."

TITTABAWASSEE RIVER, MICHIGAN: (EPA REGION V)

".....Installation of its tertiary polishing pond at the Dow Chemical Company's Midland Plant in late 1974 marked a major milestone in the Michigan Water Resources Commission's program to return the quality of the Tittabawassee River to useable levels. The effect of the waste control program has been dramatic. Recent surveys have shown that healthy gamefish populations have returned to the previously severely polluted river, and even occasional runs of trout and salmon have been observed...."

FOX RIVER, WISCONSIN: (EPA REGION V)

".....Significant improvements have been measured in the Fox River, Lake Michigan's largest tributary and one of the most polluted. In the past five years, municipal and papermill discharges of oxygen-demanding materials have been reduced from approximately 400,000 lbs/day to 84,000 lbs/day, and dissolved oxygen in both the Fox River and Green Bay definitely increased as a result. Aesthetic appeal of the River is also improved because of new or improved waste treatment facilities installed in the past two to three years. In 1974, the portion of Green Bay suffering oxygen depletion under winter ice had declined from 150 square miles to 50 square miles. Completion of "Best Practicable" treatment technology by the River's industries and achievement of municipal secondary treatment will essentially eliminate the dissolved oxygen problems in Green Bay......"

WISCONSIN RIVER, WISCONSIN: (EPA REGION V)

".....The Wisconsin River, historically another major problem area, is showing significant improvement, although not all construction has been completed. Installation of a clarifier at St. Regis Paper Company's Rhinelander Mill has virtually eliminated floating scum and fiber mats which formerly covered the River for one-half mile upstream from the Hat Rapids Dam. Consolidated Paper Company and Nekoosa Edwards have also made significant wasteload reductions. Though oxygen depletions still occurred in 1975 on the Wisconsin River, their severity and time of occurrence were greatly reduced. Numerous major waste treatment plants are under construction, and the impact should be dramatic by 1977......"

ESCATAWBA RIVER, ALABAMA/MISSISSIPPI: (EPA REGION IV)

".....The Escatawba River flows almost totally free from pollution from Southwest Alabama into the lower Mississippi Gulf Coast Region. This stream is considered to have water quality comparable to that necessary for swimming and public water supply purposes. At Moss Point, the first pollution source enters the River in the form of effluent from International Paper Company's Moss Point Pulp and Paper Mill. Within a one-two mile stretch of the River, this effluent is joined with effluent from Thiokol Chemical Company's Synthetic Rubber Plant and the effluents from three Menhaden Fish Mill Plants, as well as with sewage from the City of Moss Point. Prior to a year ago, septic conditions existed in the River during most of the year, with little or no fish and wildlife activity in the polluted stretch.

Through State/EPA efforts, NPDES permits were issued to all of the facilities except International Paper. The latter's permit was issued but is currently being adjudicated. The State permit for International Paper required that an aerated lagoon be installed and that 85 percent removal of Biochemical Oxygen Demand (BOD) be attained. An abatement facility was constructed and began operating approximately two years ago. An NPDES permit was issued to Thiokol Chemical Company which required that all process waste be injected into a deep-well system. The wells have been installed. Thiokol is currently working under an implementation schedule to achieve total compliance with the permit by getting all contaminated waste streams into the deep-well system. There will be some cooling water remaining. The three fish mill plants have made extensive in-plant changes such that they are now achieving effluents which are of a higher quality than BAT (Best Available Technology) as identified in promulgated (effluent) guidelines for this industry.

In the past, there were numerous complaints about the poor quality of the lower Escatawba River. These ranged from "no fish" to extremely corrosive conditions affecting boats and equipment in the water due to the discharge of chemicals. The complaints have now ceased, and the fish are returning to the River. It is once again a productive fish and wildlife area........."

BLACK WARRIOR RIVER, ALABAMA: (EPA REGION IV)

"The Gulf States Paper Corporation, discharging to waters of the Black Warrior River at Tuscaloosa, Alabama, completed an oxygen-activated sludge treatment system. The performance of this facility far exceeds the requirements of the NPDES Permit, and Gulf States Paper has been awarded the National Wildlife Federation's award for innovation in pollution control."

MANATEE COUNTY, FLORIDA: (EPA REGION IV)

"Waste discharges from numerous small "private/municipal" facilities were polluting the nearshore waters of Manatee County on the western coastline of Florida. After a new regional municipal sewage treatment plant was completed, NPDES permits were issued with conditions which directed connections to the regional system by appropriate deadlines. Presently, all sewage outfalls have been eliminated from Anna Maria Island and Longboat Key."

FIBREBOARD PAPER COMPANY, ANTIOCH, CALIFORNIA: (EPA REGION IX)

"Fibreboard installed a pure oxygen secondary treatment system to treat 25 million gallons per day of pulp mill wastewater. The cost of this project was nearly $7 million. In bioassay tests of the effluent, fish survival increased from 0 percent to 90 percent. The facility's discharge is to the Sacramento River just above San Francisco Bay."(NPDES Permit is #CA0004847)

HICKMONT, ANTIOCH, CALIFORNIA: (EPA REGION IX)

"Hickmont installed an extended aeration secondary treatment system to treat 1.3 million gallons per day of tomato processing wastes. The discharge now meets permit requirements. Approximate cost of the project was $1.2 million." (NPDES Permit #CA0004987)

SIMPSON LEE PAPER CO., RIPON, CALIFORNIA: (EPA REGION IX)

" In July of 1975, Simpson Lee coverted from discharge to the Stanislaus River to a land disposal system. The treated paper mill effluent is now disposed of either by spray irrigation of corn and alfalfa, or by flood irrigation of walnut orchards." (NPDES Permit #CA0004006)

LOS ANGELES COUNTY JOINT PLANT, CALIFORNIA: (EPA REGION IX)

"During 1975, the Los Angeles County Sanitation Districts reduced the PCB concentration in the effluent from the 340 million gallons per day Joint Plant from 11.4 micrograms/liter to less than 0.02 micrograms per liter. This reduction was achieved by reducing the PCB concentration in the effluent from four transformer re-builders to non-detectable levels." (NPDES Permit #CA0053813)

CHAPTER VII

NATIONAL ENFORCEMENT INVESTIGATION CENTER (NEIC)

To aid in carrying out the Agency's varied enforcement responsibilities, EPA operates the National Enforcement Investigations Center, located at Denver, Colorado. Founded in 1970, NEIC was originally known as the National Field Investigations Center at Denver, operating as a field unit of the enforcement program of the Federal Water Quality Administration, then a component of the Department of the Interior. In late 1970, the Center was transferred to the Environmental Protection Agency, reporting to the Office of Enforcement at EPA headquarters. In July 1975, the Center was re-named the National Enforcement Investigations Center.

NEIC's major function is to provide technical information and evidence in support of EPA enforcement actions. Emphasis is placed on NEIC's quick response in emergencies, often requiring field investigations on short notice, such as for spills of hazardous materials or emissions potentially endangering the public health or welfare. Another important function of the Center is to provide large-scale technical support for short-term studies beyond the resource capacity of other EPA units.

With a staff of highly specialized professionals, NEIC is frequently called upon by other Federal and State agencies to provide expert advice and consultation for pollution control in municipal, industrial, and agricultural categories. NEIC has gained recognition through its participation in a number of major enforcement proceedings and cases of national interest. The Center has also provided technical expertise in the development of effluent guidelines for major industries nationwide.

Specialty Expertise -- NEIC has a wide variety of pollution control expertise. Its staff participated in the development and evaluation of effluent guidelines for numerous industries, making major contributions in the preparation of guidelines for the Petroleum, Petrochemical, Textile, Sugar Beet, Cane Sugar, and Pharmaceutical industry groups. Assistance is provided in collecting data and analyzing treatment technology for air pollution control at stationary sources, and for efficient recovery systems for mobile air pollution sources.

Discharge permits under the National Pollutant Discharge Elimination System (NPDES) were drafted for more than 1,600 major and minor industrial plants. Permit Limitations for many of the major industries were based on in-plant evaluations and effluent sampling conducted by NEIC. Plant visits to verify process descriptions, followed by waste source surveys, are conducted regularly by NEIC to monitor compliance with permit requirements.

Wastewater Treatment Evaluations -- Expertise is available to evaluate the performance of wastewater treatment facilities, including advanced treatment units and plants receiving major industrial wastewater flows. Performance evaluations are conducted to provide data for establishing effluent limitations and to identify and help correct operational problems.

Technical Information Services -- The National Enforcement Investigations Center uses the latest information retrieval techniques to assemble data, literature, and research results which provide background information in evaluating complex environmental problems. NEIC has access to large-scale, computerized data bases, governmental and commercial information retrieval systems, environmental information services, and the EPA library system. These resources, enabling the latest environmental information to be rapidly compiled, facilitate the Center's quick response to major environmental problems.

A METAL "SHOCKER" BOAT IS USED BY INVESTIGATORS FROM EPA'S NATIONAL ENFORCEMENT INVESTIGATION CENTER AT DENVER, COLORADO. THE FISH, STUNNED BY AN ELECTRICAL CHARGE PASSING FROM THE GENERATOR CARRIED IN THE BOAT THROUGH A METAL ROD, CAN BE QUICKLY CAUGHT FOR EXAMINATION. IN MANY WATER POLLUTION SITUATIONS AND CRISES, TIME IS CRUCIAL, AND SPEED IN DETERMINING THE CAUSE OF POLLUTION IS ESSENTIAL.

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APPENDIX A

SUMMARY OF EPA ENFORCEMENT ACTIONS

SECTION 110 - STATE IMPLEMENTATION PLANS *

JULY - DECEMBER 31, 1975 * *

SYMBOLS LEGEND

a. NOV -- Notice of violation.
b. VE -- Visible emissions.
c. MOU -- Memorandum of understanding.
d. NSPS -- New Source Performance Standards.
e. NESHAPs -- National Emission Standards for Hazardous Pollutants.
f. SO_2 -- Sulfur dioxide.
g. NO_x -- Nitrogen oxides.

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Alabama, Birmingham	U.S. Gypsum	Particulate matter	Consent order issued 8/9/75
Alabama, Demopolis	Alabama Power Co. Power Plant	Particulate	NOV 11/5/75
Alabama, Parish	Alabama Power Co.-Gorgas Power Plant	Particulate	NOV 11/5/75
Alabama, Wilsonville	Alabama Power Co.-E.C. Gaston Power Plant	Particulate	NOV 11/5/75
Alabama, Bucks	Alabama Power Co.-Barry Power Plant	Particulate	NOV 11/5/75
Alabama, Gadsden	Alabama Power Co.-Gadsden Power Plant	Particulate	NOV 11/5/75
Alabama, Bridgeport	Tennessee Alloys/Ferro-Alloys Corp. Power Plant	Particulate	NOV 11/21/75
Alabama, Eufania	A.P. Green Refineries Bauxite Mining	Particulate	NOV 12/8/75
Alabama, Scottsboro	Revere Copper & Brass, Inc. Primary aluminum plant	Particulate	NOV 1/12/75

* Includes some NESHAPs and NSPS enforcement actions.

** NOTE: A name-by-name listing of entities against whom EPA initiated enforcement actions through June 30, 1975 is contained in the EPA September 1975 Publication, entitled, "STATE AIR POLLUTION IMPLEMENTATION PLAN PROGRESS REPORT, JANUARY 1 TO JUNE 30, 1975"; for individual copies, direct requests to the Office of Air Quality Planning and Standards, EPA, Research Triangle Park, North Carolina 27711. The Report Number is EPA-450/2-75-008.

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STATE/CITY 2	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Alabama, Sheffield	Reynolds Metals Co. Listerhill Reduction Plant Primary Aluminum Plant	Particulate	NOV 12/8/75
Alabama, Alexander City	Russell Corp./Textile Mill Industrial boilers	Particulate	NOV 11/21/75
Alabama, Holt	The Central Foundry Gray Iron Foundry	Particulate	NOV 11/21/75
Alabama, Talladega	Newbury Mfg. Co. Grey Iron Foundry	Particulate	NOV 11/21/75
Alabama, Sheffield	Martin Industries Gray Iron Foundry	Particulate	NOV 11/21/75
Alabama, Axis	Stauffer Chemical Co. Sulfuric Acid Plant	SO2	NOV 11/21/75
Alabama, Woodward	Alabama Alloy, Inc. Ferro-alloy furnace	Particulate	NOV 12/17/75
Alabama, Fairfield	W.J. Bullock, Inc. Non-ferros secondary smelting (zinc, aluminum, etc.)	Particulate	NOV 12/17/75
Alabama, Tarrant	Clow Corp. Gray Iron Foundry (Pipes)	Particulate	NOV 12/17/75
Alabama, Bessemer	Jones Foundry Co. Gray Iron Foundry	Particulate	NOV 12/17/75
Alabama, Leeds	Universal Atlas Cement, Div. U.S.S.C./Portland Cement Plant	Particulate	NOV 12/17/75
Alabama,	AMOCO Chemicals Corp./Chem. Plant	Particulate	NOV 12/17/75

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STATE/CITY 3	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Decater	Industrial incinerators		
Alabama, Raqland	National Cement Co. Portland cement plant	Particulate	NOV 12/17/75
Alabama, Eufania	Harbison-Walker Refractories Refract. bricks	Particulate	NOV 12/17/75
Alabama, Mobile	International Paper Co. Pulp & paper mill	Particulate	NOV 12/31/75
Alaska Ketchinken	Herring Bay Lumber Co. Teepee burner	particulate matter	order 9/24/75
Arizona Kingman	Duval Corp. Mineral Park molybdenum concentrate roaster	violation opacity, particulate matter and sulfur compounds	Admin. order 8/12/75
Aurora		compounds emission stds.	
Arizona Sahuarita	Duval Sierrita Corp. molybdenum concentrate roaster	Violation of particulate matter std	Admin. order 8/11/75
Arizona Scottsdale	Industrial Asphalt hot mix plant	violation of NSPS test procedure	Admin. order 10/23/75
Arizona Benson	Apache Power Company nitric acid plant	violation opacity, open burning, and NOx emission stds.	modification of order
California Crockett	California and Hawaii Sugar Co. char dust collection stacks	violation opacity std.	NOV 8/12/75 Admin. order 9/30/75
California Visalia	Stauffer Chemical Co. whey drier	violation of particulate matter std.	Admin. order 9/3/75
California Fresno	Johns-Manville Sales Corp. reverbatory furnace stack	violation of visible emission std	NOV 10/2/75 Admin. order 12/16/75
California	Atlantic Richfield Co.	violation of sulfur	Admin. order 10/28/75

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STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Carson	Watson Refinery	dioxide and particulate matter std.	
California Long Beach	Edgington Oil Co. oil storage tanks	violation Federally promulgated State new source review regulation	NOV 11/21/75
California Wilmington	Wilmington Liquid Bulk Terminals, Inc. oil storage tanks	violation of Federally promulgated State new source review regulation	NOV 12/12/75
California Los Angeles	City of Los Angeles Dept. of Water and Power Haynes steam plant and the Fuel Oil Operations Marine Tank Farm Oil storage tanks	violation of Federally promulgated State new source review regulation	NOV 12/30/75
Connecticut, Naugatuck	Uniroyal Chemical/Rubber Reclaim Facility	Hydrocarbon mass emission	Order 7/7/75 Amendment to order 8/27/75
Connecticut, Middletown	Feldspar Corp. Feldspar kiln	Particulate mass emission	Order 8/27/75
Connecticut, Waterbury	Waterbury Rolling Mills, Inc. Metal casting facility	Particulate mass emission	NOV 8/8/75 Amendment to 2/14/74 order 8/20/75
Connecticut, Croton	General Dynamics/solvent spray operation	Photochemical solvents mass emission	Order 12/30/75
Connecticut, Plainfield	Pervel Industries Casting ovens, rotary process & screen printers	Organic compounds	NOV 11/17/75
Delaware Wilmington	Delmarva P&L utility boilers	particulate matter mass emission	order 9/15/75
District of Columbia	GSA-West Heating plant/boilers	particulate mass emission	consent agreement 8/15/75
Florida, Piney Point	Borden Chemical	SOx emissions	Consent order issued 8/28/75

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STATE/CITY 5	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Florida, Tampa	Kaiser Agricultural Chemicals	NOx emissions	Consent order issued 9/8/75
Florida, Bartow	C.F. Industries, Inc.	SOx emissions	Consent order issued 11/14/75
Florida, Pace	Air Products & Chem. Nitric Acid Plants	NOx	NOV 12/11/75
Florida, S. Pierce	Agrico Chemical Co. Sulfuric Acid Plants	SO2	NOV 12/11/75
Florida, Jacksonville	C.I. Capps Co. Gray Iron Cupola	Particulate	NOV 12/11/75
Florida, Titusville	Orlando Utilities Commission Power Plant	Particulate	NOV 12/11/75
Florida, Mulberry	Royster Company Sulfuric Acid Plant	SO2	NOV 12/11/75
Florida, Tampa	Tampa Municipal Incinerator Incinerator	Particulate	NOV 12/11/75
Florida, Ft. Lauderdale	City of Ft. Lauderdale Incinerator	Particulate	NOV 12/11/75
Florida Plant City	Borden Chemical Defluronation Plant	Particulate	NOV 12/11/75
Georgia, Jessup	ITT Rayonier 3-power boilers (back fired)	Particulate	NOV 12/10/75
Georgia, Riceboro	Interstate Paper	Particulates recovery boiler	NOV 12/10/75

STATE/CITY 6	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Georgia, St. Marys	Gilman Paper 1-power boiler (back fired)	Particulate	NOV 12/10/75
Georgia, Carrollton	Southwire Copper an ode furnace and copper connector	Particulate	NOV 12/10/75
Georgia, Savannah	National Gypsum 7 Kettles, rotary dryer	Particulate	NOV 12/10/75
Georgia, Sandersville	Thiele Kaolin Spray dryer	Particulate	NOV 12/10/75
Guam Agana	Guam Power Authority Cabras Station power plant	violation NSPS for power plant	Admin. order 9/15/75 Civil complaint filed 1/21/76
Hawaii Waipahu	Oahu Sugar Co., Ltd. bagasse and oil-fired boiler	violation of particulate matter and V/E std	NOV 7/11/75 Admin. order 12/23/75
Hawaii Honolulu	Standard Oil Co. of California (Western Operations, Inc.) Hawaiian Refinery Fluid Catalytic Cracker Unit.	violation of particulate matter std.	NOV 8/25/75
Hawaii Ewa	Hawaiian Western Steel Ltd electric arc furnace	violation of sulfur emission std	Admin. order 10/30/75
Hawaii Wainaku	Hilo Coast Processing Co. bagasse and oil firde boilers	violation of Federally promulgated compliance schedule and visible emission standards	Admin. order 12/18/75
Idaho Priest River	Mearitt Brothers Lumber Co. Wigwam burner	V/E	consent order 8/7/75
Idaho McCall	Boise Cascade Wigwam burner	V/E	NOV 9/11/75
Idaho	Pack River Co.	V/E	order 9/15/75

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STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Osburn	Wigwam Burner		
Idaho Pocatello	FMC Corporation Ore crusher	particulate matter	NOV 12/24/75
Idaho Dun	J.R. Simplot Co. Nitric Acid Plant	Failure to complete NSPS Testing	consent order 10/1/75 NOV 10/1/75
Idaho Post Falls	Louisiana Pacific Wigwam burner	particulate matter V/E	NOV 10/28/75
Idaho Twin Falls	Protein Processors Animal Feed Mfg.	particulate matter	NOV 10/29/75
Idaho Kellogg	Bunker Hill Co. lead & zinc smelter	particulate matter (fugitive emission)	order 9/22/75
Illinois Chicago	Abitibi Corporation painting process	hydrocarbon	NOV 8/1/75
Illinois Cahokia	Union Electric Co./Cahokia Plant - power plant	SOx	consent order 8/15/75
Illinois Stickney	Incinerator, Inc. incinerator	particulate	consent order 10/3/75
Illinois Sterling	Northwestern Steel & Wire Co. electric arc furnaces	particulate	consent order 10/6/75
Illinois Mascoutah	City of Mascoutah municipal power plant	particulate & SOx	NOV 10/20/75
Illinois Chicago	Abitibi Corp. painting process	hydrocarbon	Consent order 10/22/75
Illinois Pekin	Commonwealth Edison Powerton station #5	SOx	NOV 10/28/75
Illinois Peoria	CILCO Duck Creek Power Stn.	NSPS for SOx	NOV 10/30/75
Illinois Springfield	City Water, Light & Power Dept. City Generating Stn. (boilers)	NSPS for SOx	NOV 11/13/74
Illinois	Commonwealth Edison	SOx	NOV 11/26/75

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STATE/CITY 8	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Chicago (Pekin)	Powerton Gen. Stn. #6		
Illinois Rochelle	City of Rochelle/Rochelle Steam Plant - Coal fired boilers	particulate	NOV 12/10/75
Illinois Peoria	Celotex coal fired boilers	particulate & SOx	NOV 12/22/75
Illinois East Peoria, Morton, Vansant	Caterpillar Tractor	SOx	NOV 10/7/75
Indiana Terre Haute	C.F. Industries ammonium nitrate mfg.	particulate	consent order 8/4/75
Indiana East Chicago	Inland Steel/Indiana Harbor Works	particulate & V/E	consent order 9/12/75
Indiana Richmond	Johns-Mansville Corp. melting furnaces	particulate	consent order 10/22/75
Indiana Crawfordsville	Crawfordsville Electric Light & Power Company	particulate	NOV 10/28/75
Indiana Plainfield (Mt. Carmel)	Public Service Co. of Indiana Gibson Generating Stn.	NSPS for SOx	NOV 11/19/75
Indiana East Chicago	Inland Steel Co. BOF Shop	partculate & V/E	NOV 12/12/75
Indiana East Chicago	Inland Steel coke batteries	particulate	NOV 12/22/75
Iowa Middletown	Iowa Army Ammunition Plant (Dept. of Army)	particulate	Memorandum of understanding (MOU) 11/3/75
Iowa Cdear Rapids	Wilson & Co. Inc.	particulate	order 10/14/75
Iowa	Gra-Iron Foundry Corp.	particulate	order 8/21/75

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STATE/CITY 9	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Marshalltown			
Iowa Clinton	Hawkeye Chemical Co.	V/E	order 8/22/75
Iowa Cedar Rapids	Penick & Ford, Ltd.	particulate	order 8/14/75 - 8/1/75
Iowa Keokuk	Midwest Carbide Corp.	particulate & V/E	order 8/18/75
Iowa Davenport	Kelsey-Hayes, French & Hect Division	particulate	order 8/15/75
Iowa Marion	Central Iowa Power Cooperative	particulate	order 7/29/75
Iowa Des Moines	Mid-American Dairymen, Inc. - spray dryer	particulate/process wt.	order 7/29/75 amended 7/30/75
Iowa Charles City	White Farm Equipment Co.	particulate/process wt. V/E	order 8/7/75
Iowa Cedar Rapids	Cargill, Inc. Blast Plant	particulate	order 8/7/75
Iowa Newton	Newton Foundry Co.	particulate	order 8/1/75
Iowa Centerville	The Carter-Waters Corp.	particulate	order 8/1/75
Iowa Centerville	L. Benac & Sons, Inc.	particulate	order 7/31/75
Iowa Dubuque	InterState Power Co.	particulate	order 8/1/75
Iowa Salix	Iowa Public Service Co. (George Neal Station)	particulate	Revised order 8/5/75
Iowa Sioux City	Launderville Construction Co.	particulate	draft order 12/10/75 issued 1/76
Iowa	McKee Buttons	particulate	order 12/23/75

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STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
10			
Miscati			
Iowa Mason City	Farmers Grain Dealers Asso.	particulate	order 12/23/75
Iowa Independence	Wapsie Valley Creamery Inc.	particulate	order 12/22/75
Iowa Waterloo	Rath Packing Co.	particulate	order 12/27/75
Iowa Muscatine	Grain Processing Corp.	particulate	order 12/23/75
Iowa Arlington	Associated Milk Producers, Inc.	particulate	order 9/9/75
Iowa Des Monies	Inland Mills Company	particulate	order 8/6/75
Iowa Durant	Russelloy Foundry	particulate	Revised order 11/17/75
Iowa Superior	Superior Cooperative Elevator Company	particulate	order 8/14/75
Iowa Maquoketa	Clinton Engines Corp.	particulate	order 8/13/75
Kansas Lawrence	Cooperative Farm Chemicals Assoc.	particulate opacity	order 10/15/75
Kansas Fort Scott	Tower Metals Products	opacity	order 8/13/75
Kansas Independence	Universal Atlas Cement	opacity	order 9/12/75
Kansas Riverton	Empire-District Elec. Co.	particulate	NOV 7/22/75 order 12/23/75
Kansas Pittsburgh	Gulf Oil Chemicals Co.	particulate	order 8/1/75
Kentucky,	American Standard	Particulate matter	Consent order issued 08

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STATE/CITY 11	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Louisville			7/23/75
Kentucky, Louisville	Anderson Wood Products	Particulate matter	Consent order issued 8/29/75
Kentucky, Louisville	B.F. Goodrich	Particulate matter	Consent order issued 7/11/75
Kentucky, Louisville	Falls City Brewing Co.	Particulate matter	Consent order issued 8/29/75
Kentucky, Louisville	Fawcett Printing Corp.	Hydrocarbon emissions	Consent order issued 8/29/75
Kentucky, Louisville	City of Louisville	Particulate matter	Consent order issued 8/29/75
Kentucky, Louisville	International Harvester	Hydrocarbon emissions	Consent order issued 1/23/75
Kentucky, Louisville	Henry Vogt Machine Co.	Particulate Matter	Consent order issued 11/28/75
Kentucky, Louisville	Louisville Gas & Electric Co. Cane Rune 4,5&6	Sulfur oxide emissions 11/5/75	Consent order issued
Kentucky, Louisville	Louisville Gas & Elec. Co. Cane Run 4, 5 & 6	Sulfur oxide emissions	NOV 9/29/75
Kentucky, Louisville	General Electric Co. Appliance Park	Particulate Matter/ Hydrocarbons	NOV 12/9/75
Kentucky, Louisville	Louisville Gas & Elec. Co. Mill Creek Units 1 & 2	SO2	NOV 12/19/75
Louisiana Bastrop	International Paper Co. (Louisiana Mill) wood pulping mill	Particulate, V/E	Order 12/12/75
Louisiana Cotton Valley	Cotton Valley Solvents Co. Truck loading facility	Hydrocarbons	NOV 7/21/75 order 10/30/75
Louisiana	Commercial Solvents Co.,	particulate	NOV 7/31/75

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STATE/CITY 12	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Sterlington	Thermatomic Carbon, Co. carbon black recovery dryers		Termination of NOV 12/10/75
Louisiana Shreveport	Bird & Son, Inc. asphalt roofing process	particulate, fugitive dust	NOV 7/31/75 Termination of NOV 12/3/75
Louisiana Belle Chasse	Gulf Oil Co. - U.S., Alliance Refinery- sulfur recovery unit incinerator	SO2	NOV 8/29/75
Louisiana Burnside	Ormet Corp.- calcining kilns	particulate, process wt.	NOV 8/29/75
Louisiana Franklin	Cities Services Oil Co. Columbian Div. landfill	particulate (open burning)	NOV 8/29/75
Louisiana Holden	U.S. Plywood Co., Division of Champion International - conical wood waste burner	particulate V/E	NOV 9/5/75
Louisiana Lake Charles	Cities Services Oil Co. (refinery) fluid catalytic cracking unit regenerator-sulfuric acid	particulate, SO2	NOV 9/26/75
Louisiana Belle Chasse	Chevron Chemical Co. incinerators	particulate, SO2	NOV 9/30/75
Louisiana Shreveport	Kroehler Mfg. Co. wood waste boiler	particulate V/E	NOV 9/30/75
Louisiana Baton Rouge	Allied Chemical Corp. Baton Rouge Polyolefins Plant Specialty Chemicals Division	hydrocarbons	NOV 11/19/75
Louisiana Joyce	Crown Zellerbach-Joyce Wood Products Plant - wood waste boiler	particulate, V/E	NOV 11/21/75
Louisiana Fisher	Vancover Plywood Co. Inc., Softwood Lumber Div. wood waste boiler	particulate, V/E	order 7/9/75
Louisiana Bogalusa	Crown Zellerbach Corp. (Bogalusa Mill)	particulate, V/E	order 11/4/75

APPENDIX A
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STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
	wood pulping mill		
Louisiana Springhill	International Paper Co. (Springhill Mill) wood pulping mill	particulate, V/E	order 12/12/75
Louisiana Bastrop	International Paper Co. (Bastrop Mill) wood pulping mill	particulate, V/E	order 12/12/75
Louisiana Larose	Lafourche Parish Police Jury-solid waste dump	particulate (open burning)	Termination of NOV 9/19/75
Louisiana Florien	Vancouver Plywood Co., Inc., Florien Plywood Plant - conical wood waste burner & sander dust burner	particulate V/E	Termination of NOV 11/12/75
Louisiana DeRider	International Paper Co., wood treating plant - conical wood waste burner	particulate V/E	Termination of NOV 12/3/75
Louisiana Roanoke	Roanoke Rice Coop incinerator	particulate V/E	Termination of NOV 12/3/75
Louisiana Winnfield	Winnfield Veneer Co. conical wood waste burner	particulate V/E	Termination of NOV 12/3/75
Maine, Winslow	Scott Paper Co. Sulfite pulp mill	SO2 mass emission	Order
Maine, Jay	International Paper Co. Androscoggin Mill/kraft Recovery boiler	Particulate matter mass emission	NOV 8/13/75 Order 11/5/75
Maine, Auburn	Androscoggin Foundry/Grey Iron cupola	Particulate matter mass emission	Order 11/17/75
Maine, Auburn	G.A. Peterson Co. Asphalt batching operation	Particulate matter mass emission & opacity	NOV 12/15/75
Maine, .	Premoid Corp.	Particulate-mass	NOV 12/30/75

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STATE/CITY 14	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Lincoln	Lime kiln	emission	
Maine, Woodland	Georgia-Pacific Corp. Woodland Div./boiler	Particulate mass emission	NOV 10/3/75 Order 12/16/75
Maine, Millinocket	Great Northern Paper Co. Sludge incinerator & dryer	Particulate mass emission	NOV 9/5/75 Order 11/5/75
Maine, Rumford	Oxford Paper Co. Kraft Pulp Mill	Particulate emissions	NOV 7/7/75
Maryland Baltimore	J.J. Lacey Foundry	particulate matter mass emission	NOV 8/14/75
Maryland Dickerson	PEPCO-Dickerson Station	particulate mass emission	order 11/14/75
Massachusetts, Chelsea	Texaco Gas loading terminal recovery system	Organic material installation of vapor	Consent order 7/9/75
Massachusetts, Canton	Plymouth Rubber Co.	Organic material mass	Order 8/7/75
Massachusetts, Mattapan	Stedfast Rubber Co. Organic material mass Spray operation	Order 8/7/75 emission emission	01
Massachusetts, Newton	City of Newton Municipal incinerator	Particulate mass emission	NOV 7/21/75 Order 8/29/75
Massachusetts, Lowell	City of Lowell Municipal Incinerator	Particulate mass emission	Order 7/28/75
Massachusetts, Danvers	GTE Sylvania Spray paint operation	Organic material mass emission	NOV 6/26/75 Order 9/8/75

APPENDIX A
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STATE/CITY 15	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Massachusetts, Lynn	North American Philips Lighting Corp./spray paint operation	Organic material mass emission	NOV 6/26/75 Order 8/29/75
Massachusetts, Framingham	Dennison Mfg. Co. Spray Operation	Organic material mass emission	Consent order 7/7/75
Massachusetts, Lawrence	Malden Mills Textiles	Particulate mass emission	Order 9/26/75
Massachusetts, Winchester	City of Winchester Municipal incinerator	Particulate mass emission	NOV 10/2/75 Order 12/5/75
Massachusetts Quincy	General Dynamics Boiler	Particulate mass emission	NOV 7/31/75 Order 10/30/75
Massachusetts, Weymouth	Town of Weymouth Municipal incinerator	Particulate emissions	Order 7/7/75 civil action instituted; consent decree lodged with court on 1/9/7
Massachusetts, Revere	Sun Oil Co. Gas loading terminal	Hydrocarbons	Consent order 6/18/75
Massachusetts, Chelsea	Gulf Oil Co., Gas loading terminal	Hydrocarbons	NOV 6/27/75
Michigan Detroit	Detroit Public Lighting Dept. Mistersky stn.	particulate	NOV 9/16/75
Mississippi, Laural	Masonite, Corp.	Particulate matter	Consent order issued 12/12/75
Mississippi, Louisville	Louisville Asphalt Co.	Failed to respond to §114 request for process & emission information.	Consent order issued 9/9/75

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STATE/CITY 16	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Mississippi, Gulfport	Capital Asphalt Co.	Failed to respond to §114 request for process and emission information	Consent order issued 11/24/75
Mississippi, Laurel	Masonite Corp.	Particulate matter	NOV 6/19/75
Missouri Knob Noster	Whiteman Air Force Base (Dept of Air Force)	particulate	NOU 8/29/75
Missouri Grandview	Richards - Gebaur A.F. Base	opacity	NOU 8/14/75
Missouri North Kansas City	Fry Roofing Co.	particulate V/E	NOV 9/25/75
Montana Bonner	U.S. Plywood--Main Boiler 3 Dutch oven boilers, veneer dryer	violation of both particulate emission std and visible emission	NOV 8/5/75
Montana Missoula	Intermountain Company Hog fueled burner	violation of particulate emission std	NOV 8/5/75
Montana Great Falls.	Superlite Products Rotary Kiln	violation of particulate emission std	NOV 9/12/75
Nevada McGill	Kennecott Copper Corp., Nevada Mines Division copper smelter	violation of Federally promulgated sulfur oxides and particulate matter std.	NOV 9/23/75
New Jersey, Irvington	Barnett Foundry & Machine Co.	Particulate	NOV 7/8/75 Consent order 8/28/75
New Jersey, Little Falls	North Jersey Foundry Co. Inc.	Particulate	Consent order 8/22/75
New Jersey, Medford	Lafferty Asphalt Co., Inc.	NSPS-notification performance tests	NOV & order 12/9/75
New Jersey, Linden	Public Service Elec. & Gas Co.	Opacity	Consent order 7/18/75
New Jersey,	Winston Mills	Opacity	NOV 10/31/75

APPENDIX A
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STATE/CITY 17	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Bogota			
New Jersey, Jersey City	Woodward Metal Processing Corp.	Particulate	NOV 11/11/75
New Jersey, Newark	Flockhart Foundry Co.	Particulate V/E	NOV 11/17/75
New York, Garden City	Garden City Incinerator	Particulate	Order 7/28/75 Amended 10/14/75
New York, Lawrence	Sanitary District #1 incincerator	Particulate	Order 7/28/75
New York, Long Beach	Long Beach Incinerator	Particulate	Order 7/28/75
New York, Valley Stream	Valley Stream Incinerator	Particulate	Order 7/28/75
New York, Green Island	Bendix Corp. Friction Mat'l Div.	NESHAPS-Asbestos	NOV & order 7/28/75
New York, Plum Island	Plum Island Animal Disease Center (Dept. of Agriculture)	Particulate	Consent agreement 11/19/75
New York, Buffalo	Buffalo Municipal Incinerator	Particulate	Order 8/20/75
New York, Brooklyn	Detecto Scales, Inc.	Hydrocarbons	Order 7/30/75
New York, Buffalo	Donner Hanna Coke Corp.	Failure to respond to Section 114 request for information	Order 8/20/75
New York, Freeport	Freeport Incinerator	Particulate	Order 7/28/75
New York, Utica	Dunlop Tire & Rubber	Particulate emissions	NOV 9/2/75
New York, Syracuse	Niagara Mohawk Power Corp.	Sulfur content in fuel particulate emissions	NOV 7/31/75

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CONTINUED

STATE/CITY 18	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
		visible emissions	
North Carolina, Lenoir	Bernhardt Industries, Inc.	Particulate matter	Consent order issued 8/28/75
North Carolina, Roxboro	Carolina Power & Light Co. Roxboro Plant Unit #3	Particulate	NOV 11/21/75
North Carolina, Goldsboro	Carolina Power & Light Co. H.F. Lee Plant Unit #3	Particulate	NOV 11/21/75
North Carolina, Moncure	Carolina Power & LIght Co. Cape Fear Plant Units 3 & 4	Particulate	NOV 11/21/75
North Carolina Glen Raven	Glen Raven Mills Tenterframe	Visible emission	NOV 11/21/75
North Carolina, Rockingham	Standard Coundry Cupola	Particulate	NOV 11/21/75
North Carolina, Statesville	Troutman Foundry Cupola	Particulate	NOV 11/21/75
North Carolina, Walnut Cove	R.J. Reynolds Tobacco Co. Tobacco Processing Line "A"	Particulate	NOV 11/21/75
North Carolina, Whiteville	Georgia-Pacific Corp. Bark Boiler	Particulate	NOV 11/21/75
North Carolina Aulander	Planters Peanuts Conical Burner	Visible Emissions	NOV 11/21/75
North Carolina, Aquadale	Carolina Solite Corp. 8 Rotary Kilns	Particulate & SO2	NOV 11/21/75
Ohio Cleveland	Highland View Hospital boilers	particulate	consent order 7/10/75

APPENDIX A
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STATE/CITY 19	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Ohio Youngstown	Youngstown Sheet & Tube Briar Hill Steel Works	particulate and V/E	consent order 7/25/75
Ohio Struthers	Youngstown Sheet & Tube Campbell Steel Works	particulate and V/E	consent order 7/25/75
Ohio Hillsboro	Emerson Electric	particulate and V/E	consent order 7/23/75
Ohio Quincy	Bell and Quincy Foundry	particulate and V/E	consent order 7/23/75
Ohio Philo	Ohio Ferro Alloys Corporation, submerged arc furnace	particulate and V/E	consent order 7/31/75
Ohio Painesville	Uniroyal, Inc.	particulate	order 7/7/75
Ohio Gypsum	U.S. Gypsum Co.	particulate	order 7/7/75
Ohio Warren	Copperweld Spec. Steel	particulate	order 7/7/75
Ohio Ironton	Allied Chem/Semet-Solvay Div. coke batteries	particulate & V/E	NOV 8/6/75
Ohio Mansfield	Ohio Brass Co. Cupolas	particulate	consent order 8/6/75
Ohio Portsmouth	Detroit Steel Corp/Empire-Detroit Steel Div. open hearth furnaces	particulate & V/E	order 8/11/75
Ohio Hamilton	Gray Iron Foundry Corporation cupolas	particulate	consent order 8/11/75
Ohio Middlebranch	Flintkote Co./Diamond Kosmos Cement Div. cement kilns	particulate & V/E	consent order 8/11/75
Ohio Woodville	Ohio Lime Co.	particulate	order 7/8/75
Ohio Lancaster	Loroco Industries	particulate	order 10/9/75

APPENDIX A

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STATE/CITY 20	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Ohio Steubenville	Federal Paperboard	particulate	order 10/15/75
Ohio Middlebranch	Flintkote Co./Diamond Kosmos cement kilns	particulate & V/E	consent order 9/5/75
Ohio Parma	City of Parma refuse incinerator	particulate	order 9/5/75
Ohio Cuyahoga Heights (Cleveland)	Chemetron Corp./Ohio Chemical Plant - boliers	particulate	consent order 9/8/75
Ohio Lima (Shawnee Township)	Vistron Corp./subs of SOHIO urea prill tower	particulate	consent order 9/16/75
Ohio Oakhill	Victory Charcoal Inc. beehive kilns	particulate	NOV 9/25/75
Ohio Cuyahoga	McGean Chemical Co. boilers	particulate	NOV 9/25/75
Ohio Gypsum	U.S. Gypsum	particulate	NOV 7/7/75
Ohio Warren	Copperweld Steel	particulate	NOV 7/7/75
Ohio Cleveland	Highland View Hospital	particulate	NOV 7/10/75
Ohio Painesville	City of Painesville Municipal Light Plant (boilers)	NSPS for SOx	NOV 11/24/75
Ohio Cleveland	City of Cleveland/Lake Road Gen. Stn. Coal fired boilers	particulate	NOV 12/10/75
Ohio Hillsboro & Quincy	Emerson Electric	particulate	NOV 7/23/75

APPENDIX A
CONTINUED

STATE/CITY 21	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Ohio Struthers Youngtown	Youngston Sheet & Tube Co. Brien Hills & Campbell works	particulate	NOV 7/25/75
Oregon Toledo	Georgia Pacific Corporation pulp mill	V/E	NOV 10/7/75
Oregon Roseburg	S.D. Spencer & Sons Asphalt plant	violation of NSPS reporting	NOV 10/8/75
Oregon Springfield	Weyerhauser Co. Lime Kilns	particulate matter	consent order 8/1/75
Oregon Portland	Nicolai Co. Cyclones	particulate matter	consent order 8/1/75
Oregon Tillmook	Louisiana Pacific Corp Wigwam Burner	V/E	order 12/18/75
Oregon Portland	Cargill Inc. grain elevator	V/E	Consent order 11/17/75
Oregon Troutdale	Reynold, Aluminum Co.	Opacity	NOV 10/1/75
Oregon Portland	Louis Dreyfus Co. grain elevator	Particulate matter	Consent order 11/26/75
Oregon Portland	Bunge Corporation grain elevator	Particulate matter	order 9/26/75
Oregon Dillard	Permaneer Corporation Particle board plant	Particulate matter and opacity	NOV 11/4/75
Oregon Buker	Ellingson Lumber Co. Wigwam Waste Burner	particulate matter V/E	order 11/4/75
Oregon Hines	Edward Hines Lumber Hog Fuel boilers	particulate matter	NOV 9/22/75
Oregon Tillamook	Louisiana Pacific wigwam burner	V/E	NOV 11/10/75
Oregon	Nicolus Co.	particulate matter	consent order 8/1/75

APPENDIX A
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STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Portland	door manufacturing plant		
Oregon Springfield	Weyerhauser Co. Draft Pulp Mill	particulate matter	consent order 8/1/75
Oregon Valsetz	Boise Cascade hog fuel boilers	particulate matter	consent order 8/1/75
Oregon Tigard	Western Foundry Co. Iron & Steel Foundry	particulate matter	consent order 8/1/75
Pennsylvania Templeton	Sharon Steel Corp.	failure to respond to Section 114 request	order 8/5/75
Pennsylvania Lebanon	Lebanon Chemical Corp.	Failure to respond to Section 114 request	order 8/1/75
Pennsylvania Media	Delaware County Dept. of Public Works/municipal incinerator	particulate matter mass emission	order 10/16/75
Pennsylvania Marietta	U.S. Aluminum Corp.	particulate matter mass emission	NOV 7/7/75 order 12/75
Pennsylvania Pittsburgh	Shenango Inc. Steel facility	particulate & SO2	NOV 7/3/75
Pennsylvania Youngwood	Swank/Dickerson/road construction	particulate fugitive dust	NOV 7/22/75 order 9/19/75
Pennsylvania Pittsburgh	J.& L. Steel Corp	Particulate visible & SOx emission	order 10/8/75
Pennsylvaina Monessen	Wheeling-Pittsburgh Steel Co.	Particulate visible & SOx emission	NOV 10/17/75
Pennsylvania Philadelphia	Phila Board of Education boilers	SOx sulfur content	consent order 7/23/75
Pennsylvania Avonmore	General Steel Ind.	particulate matter mass emission	order 7/31/75
Pennsylvania Newell	Allied Chemical Corp. Industrial Chemical Plant	NSPS	order 7/21/75
Pennsylvania	Metro Edison Co.	particulate matter	order 7/9/75

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STATE/CITY 23	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Middletown	Crawford Station	mass emission	
Pennsylvania Meadville	Abex Corp. Engineering products	particulate matter mass emission	order 7/25/75
Pennsylvania Potter Township	ARCO Polymers plastic production	SOx mass emission	order 7/25/75
Pennsylvania Kennett Square	NVF. Co.	Failure to respond to Section 114 request	order 8/5/75
Pennsylvania Farrell	Sharon Steel Corp.	Failure to respond to Section 114 request	order 8/5/75
Pennsylvania Youngstown	Youngstown Pneumatic Concrete	visible emission	NOV 7/11/75 Amend. order 8/15/75
Pennsylvania Palmerton	New Jersey Zinc	Particulate & visible emission	NOV 12/16/75
Pennsylvania	Penn DOT (I-95)	visible emissions & particulates	NOV 7/11/75
Pennsylvania Butler Co.	Armco Steel electric arc furnace	particulate matter fugitive	consent order 10/29/75
Pennsylvania Meadville	Dayton Malleable Inc. boiler	particulate matter mass emission	consent order 10/3/75
Pennsylvania Chambersburg	Borough of Chambersburg Electric Power plant utility boiler	particulate matter mass emission	consent order 11/13/75
Pennsylvania Sinking Spring	Sinking Spring Foundry Co. grey iron cupola	particulate fugitives & opacity	consent order 11/28/75
Pennsylvania Elrama	Duquesne Light Co. Elrama Station/utility boiler	particulte mass emission	NOV 12/15/75
Pennsylvania	Aluminum Co. of America	particulate mass	consent order 10/31/75

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STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Pittsburgh	boilers	emission	
Pennsylvania Washington Co.	Climax Molybdenum Co. Herreschoff roaster	SOx mass emisssion	consent order 10/21/75
Puerto Rico, Bayamon	Betteroads Asphalt Corp. plant #3	NESHAPS-notification testing	NOV order 8/15/75
Puerto Rico, Catano	Molinos de Puerto Rico, Inc.	Particulate	Consent order 7/3/75
Puerto Rico, Guayanilla	Puerto Rico Water Resources Authority	SOx sulfur fuel content	Consent order 10/20/75
Puerto Rico, San Juan	San Juan Cement	NSPS-Portland Cement Plant	NOV 9/22/75
Puerto Rico, Catano	Puerto Rico Glass	opacity	Order 12/31/75
Puerto Rico, San Juan	Carribean Gulf Refining Corp.	Visible emission and organic compounds	Order 9/12/75
Rhode Island, Providence	Tivian Labs. Chemical Lab	PCB's mass emission	Order to comply with §114 letter 12/18/75
Rhode Island, Providence	City of Providence Sludge incinerator	Particulate V/E	NOV 11/3/75 Order 12/29/75
South Carolina, Hartsville	Sonoco Products Co.	Particulate matter	Consent order issued 6/30/75
South Dakota Rapid City	Division of Highways portable asphalt batch plant	violation of particulate emission std	NOV 7/9/75
South Dakota Sturgis	Division of Highways portable asphalt batch plant	violation of particulate emission std	NOV 7/9/75
South Dakota Rapid City	Pete Lien and Sons, Inc. Rotary Kiln and Vertical Kiln	violation of particulate	NOV 7/16/75
South Dakota	Light Aggregates, Inc.	violation of particulate	NOV 7/16/75

APPENDIX A CONTINUED

STATE/CITY 25	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Rapid City			
Utah Magna	Hercules, Inc. Coal-Fired Industrial Boiler	violation of particulate emission std	NOV 11/17/75
Utah Rowley	NL Industries, Magnesium Div. Spray Dryer Exhaust Systems	violation of particulate emission std	order 10/21/75
Utah Lehi	Mountain States Lime, Inc. 4 vertical lime kilns	violation of particulate emission std	NOV 7/17/75
Utah Lehi	Mountain States Lime, Inc. Hydrator Stack	violation of particulate emission std	NOV 7/17/75
Utah Lehi	Mountain States Lime, Inc. Secondary Crusher & Screening System	violation of particulate emission std	NOV 7/17/75
Utah Lehi	Mountain States Lime, Inc. Rock Pulverizer Stack	violation of particulate emission std	NOV 7/17/75
Utah Ogden	Weber County Corp. Municipal Incinerator Unit #2	violation of particulate emission std	NOV 7/14/75
Utah Ogden	Weber County Corp. Municipal Incinerators #2 and #3	violation of particulate emission std	Order 10/22/75
Utah Geneva	U.S. Steel Power Plant	violation of particulate emission std	Order 5/29/75
Vermont, Burlington	City of Burlington Boiler	Particulate mass emission V/E	Order 7/7/75
Vermont, Hyde Park	Vermont Asbestos, Inc.	Asbestos visible emissions	Order 10/10/75
Virgin Islands, St. Croix	Martin Marietta Corp. (St. Croix Facility)	SOx sulfur fuel content	NOV 10/23/75
Virgin Islands, St. Thomas	St. Thomas Paving Co., Ltd.	Operating w/o complying w/ new source review requirements 40 CFR 52.2775 (b)	NOV 9/26/75
Virginia	PEPCO-Potomac River Station	Particulate matter mass	order 8/27/75

STATE/CITY 26	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Alexandria	utility boiler	emission	
Virginia Vansant	Jewell Coal & Coke Company	Particulate & visible emission	NOV 11/24/75
Virginia Danville	Dan River, Inc.	particulates	consent order 10/3/75
Washington Hoquiam	City of Hoquiam	open burning	NOV 10/7/75
Washington Port Angeles	Crown Zellerback Corporation Hog fuel boilers	particulate matter	consent order 8/15/75
Washington Port Tounsend	Crown Zellerback Corporation Hog fuel boilers	particulate matter	consent order 8/27/75
Washington Shelton	Simpson Timber Co. Hog Fuel boilers	particulate matter	consent order 8/1/75
Washington Rock Island	Hanna Mining Co. Ferro Alloy Plant	visible and particulate matter	consent order 9/30/75
Washington Vancouver	Carbonundum Co.	particulate matter V/E	NOV 12/18/75
Washington Seattle	Center Dozing, Inc.	NESHAPS violation	NOV 11/25/75
Washington Peshastin	Peshastin Forest Products	Opacity	NOV 11/25/75
Washington Hoquiam	ITT Rayonier Hog Fuel boilers	particulate matter	Consent order 8/1/75
Washington Shelton	Simpson Timber Co. Hog Fuel Boilers	particulate matter	consent order 8/1/75
Washington Pasco	L.W. Vail, Inc. Asphalt plant	opacity violation of NSPS	NOV 7/28/75
West Virginia Weirton	National Steel/Steel facility	particulate & SOx mass emission & opacity	NOV 8/25/75

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STATE/CITY 27	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
West Virgina Follanbee	Wheeling-Pittsburgh Steel Co.	Particulate & visible SOx emission	order 10/7/75
Wisconsin Milwaukee	American Motors Corporation auto mfg.	hydrocarbon and particulate	NOV 7/16/75
Wisconsin Kenosha	American Motors Corporation auto mfg. (main plant)	hydrocarbon	NOV 7/16/75
Wisconsin Kenosha	American Motors Corporation auto mfg. (main front plant)	hydrocarbon	NOV 7/28/75
Wisconsin Mosinee	Mosinee Papper Co. Kraft Pulp/paper mill	particulate	NOV 9/23/75
Wisconsin Milwaukee	Inryco Inc. coil coating operation	hydrocarbon	consent order 9/23/75
Wisconsin Milwaukee	Inryco, Inc. Coil coating operation	hydrocarbon	NOV 7/2/75

APPENDIX B

TABLE 1

Civil Actions Initiated By EPA Under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act

December 1974 Through December 1975

Note: If no entry appears in last two columns, case was pending as of 12/31/75

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
ABC Compounding Atlanta, GA	IV	6/19/75	8/8/75	$1800
ADCO, Inc. Sedalia, MO	VII	12/2/74	1/9/75	$5160
A.H. Hoffman Inc. Landsville, PA	III	4/4/75	7/3/75	$1700
Action Athletic Equip. Co. Zion, Ill.	V	4/30/75	10/31/75	$ 925
Adams Engineering, Inc. Minneapolis, MN	V	4/21/75	11/1/75	withdrawn
Adelphia Ind. Carlstadt, NJ	II		11/24/75	0
Aero Mist, Inc. Marietta, GA	IV	4/30/75		
Air Shield, Inc. Moncks Corner, SC	IV	4/29/75		
Airosol Co. Neo Desha, KS	VII	9/5/75	10/8/75	$800
Airwick Industries Carlstadt, NJ	II	2/7/75	7/2/75	$4500
Alden Leeds Kearny, NJ	II	11/26/75		
Alden Leeds Kearny, NJ	II	11/26/75		

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Allied Chem. Corp. Aberdeen, MS	IV	12/2/74	2/28/75	withdrawn
Amaza Laboratories, Inc. Cleveland, OH	V	5/7/75	8/18/75	$ 968
Ambix Laboratories North Bergen, NJ	II	12/11/75		
American Cyamid Linden, NJ	II	4/22/75	9/16/75	$3080
American Cyanimide Charlotte, NC	IV	6/30/75	9/16/75	$3600
American Riverside Inc. St. Louis, MO	VII	5/12/75	6/17/75	$ 125
Amvac Chemical Corp. Los Angeles, CA	IX	6/30/75		
Anderson Stolz Corp. Kansas City, MO	VII	1/16/75	3/13/75	$1300
Antech Chemical Middletown, MA	I	4/22/75	7/5/75	$ 250
Applegates Drug Stores, Inc. Bentenville, AR	VI	10/3/75		
Aquashade, Inc. Dobbs Ferry, NJ	II	11/19/75		
Arcal Chemicals Seat Pleasant, MD	III	11/24/75		

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
ArChem Corp. Portsmouth, OH	V	12/29/75		
Arlenge Labs Brooklyn, NY	II	1/17/75	5/16/75	$ 150
Arnott Exterm.,Inc. Indianapolis, IN	V	12/27/74	9/5/75	$ 462
Ashworth Chem. Memphis, TN	IV	6/30/75	8/29/75	$ 450
Aspen Industries Tucson, AZ	IX	5/16/75	1/6/76	Dismissed
Assocaited Chemists Portland, OR	X	1/3/75	11/10/75	$ 1960
Atlantic Fertilizer & Chem. CO. Homestead, FL	IV	6/19/75		
Athea Labs, Inc. Milwaukee, WI	V	12/16/74	7/2/75	$ 3432
Auto Chlor of Jackson Jackson, MS	IV	3/25/75	4/25/75	$ 685
Auto-Chlor System of La,and S. Miss. Bossier City, LA	IV	8/18/75		
Auto Chlor, Inc. Denver, CO	VIII	8/20/75		
Auto-Chlor System St. Louis, MO	VII	9/17/75	11/7/75	$ 216
Auto Chlor Systems, Inc. St. Louis, MO	VII	7/14/75	Included with above Case	

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Away Chemical Corp. Houston, TX	VI	8/18/75		
B & K Company Des Moines, IA	VII	8/4/75	9/4/75	$ 100
Babson Brothers Co. Oak Brook, IL	V	5/16/75	8/12/75	$ 2156
Barry Martin Pharm, Inc. Miami, FL	IV	2/21/75	4/8/75	$ 1120
Basic Chemicals Des Moines, IA	VII	6/11/75	10/14/75	$ 350
Beatrice Foods Co. Blue Ash, OH	V	9/17/75	10/1/75	$ 1680
Bell Laboratories Madison, WI	V	5/23/75	9/15/75	$ 300
Berman Chemical Co. Toledo, OH	V	4/29/75	8/12/75	$ 480
Berrien Products Co., Inc. Nashville, GA	IV	1/10/75	3/6/75	$ 5300
Berry Water Gardens, Inc. Kernsville, NC	IV	7/28/75	9/15/75	$ 1920
Better Living Labs Memphis, TN	IV	4/16/75	6/13/75	$ 220 Default
Big D Chemical Co. Oklahoma City, OK	VI	7/31/75		
Bighorn Coop Basin, WY	VIII	5/16/75		

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Bio Chem Laboratories Minneapolis, MN	V	2/18/75	10/15/75	Dismissed
Bio-Lab, Inc. Decatur, GA	IV	4/16/75	5/19/75	$ 900
Bixon Chem. Queens, NY	II	7/4/75		
Bixon Chem. Queens, NY	II	7/11/75		
Black Leaf Elgin, IL	V	7/28/75	11/13/75	$ 4400
Blue Grass Chem. Spec. Co. New Albany, IN	V	6/30/75	10/22/75	$ 1250
Blue Grass Chem. Spec. Co. New Albany, IN	V	7/24/75		
Blumberg Co. Peabody, MA	I	10/14/75		
Bower Industries Phoenix, AZ	IX	6/30/75		
Bowman Mell Co. Harrisburg, PA	III	10/31/75		
Brennan Chemical Co. St. Louis, MO	VII	5/12/75	6/26/75	$ 480
Brewer Chem. Co. Trenton, NJ	II	8/20/75	9/26/75	$ 200
Brilco Laboratories Brooklyn, NY	II	6/12/75	7/17/75	$ 210

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Brite House Company, The Chicago, IL	V	10/1/75		
Burgess Vibrocrafters, Inc. Libertyville, IL	V	2/18/75	10/28/75	$ 3552
Butchers Polish Co. Marlboro, MA	I	1/10/75	10/3/75	$ 5000
C. D. Terhune Co. Cedar Town, GA	IV	12/16/74	1/29/75	$ 150
C. H. Lilly Co. Portland, OR	X	12/23/75		
Calgon Corp. St. Louis, MO	VII	4/1/75		
Candleworks, Inc., The St. Louis, MO	VII	12/1/75		
Cantol Co. Philadelphia, PA	III	10/28/75		
Canton Chemical Co. Canton, NC	IV	1/22/75	8/11/75	$ 595
Cantor Brothers, Inc. Farmingdale, NY	II	10/16/75		
Carolina Chemicals, Inc. W. Columbia, SC	IV	12/16/75		
Cealin Chemicals Jacksonville, FL	IV	9/25/75		
Center Garden Supply Bellvue, WA	X	12/20/74	5/19/75	$ 480

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Central Solvents & Chemicals Santa Fe Springs, CA	IX	6/30/75		Dismissed
Champion Int'l Vacouver, WA	X	8/22/75		
Chaska Chemical Co. Savage, MN	V	12/27/74	5/15/75	$ 5725
Chem Fab Co. Mission, KS	VII	12/3/75		
Chem Pro Corp. Houston, TX	VI	6/20/75	9/9/75	$ 420
Chemagro Kansas City, MO	VII	7/11/75	8/18/75	$ 3080
Chemical Processors, Inc. St. Petersburg, FL	IV	8/8/75	10/23/75	$ 350
Chemical Specialties, Inc. Memphis, TN	IV	8/8/75	9/11/75	$ 335
Chemifax Chemical Co. Lamirada, CA	IX	4/16/75		
Chemix Corp. Arlington, TX	VI	7/21/75	12/15/75	$ 350
Chemscope Corp Houston, TX	VI	3/17/75	12/9/75	$ 1200
Cemtech Industries, Inc. Dallas, TX	VI	3/28/75	8/6/75	$ 2484

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Chevron Chemical Co. Maryland Heights, MO	VII	12/4/75		
Chevron Chemical Co. Orlando, FL	IV	11/7/75		
Christy Company Inc. Maryland Heights, MO	VII	2/10/75	3/21/75	$ 500
Ciba-Geigy Corp. McIntosh, AL	IV	1/13/75	4/14/75	$ 12000
Clarben Chem. Kearny, NJ	II	7/14/75		
Clark Lumber Co. Tualatin, OR	X	8/26/75	12/1/75	$ 420
Common Market, Inc. New York, NY	II	3/3/75		
Conn. Aerosol Co. Milford, CT	I	10/22/75		
Contact Industries Hicksville, NY	II	7/18/75	12/29/75	$ 2400
Continental Chemical Corp. Chicago, IL	V	6/30/75		
Continental Research Corp. St. Louis, MO	VII	12/3/75		
Contra Costa Maintenance Supply Co. Concord, CA	IX	6/30/75		

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Control Products Assoc. Moultrie, FL	IV	6/19/75	11/17/75	$ 120 (Default)
Conway Soap Products Co. Chicago, IL	V	2/11/75	8/4/75	$ 500
Cook & Dunn Co. Newark, NJ	II	12/31/75		
Cosan Chemical Corp. Clifton, NJ	II	3/21/75	5/21/75	$ 2500
Costello Manufacturing Co. St. Louis, MO	VII	5/12/75	6/26/75	$ 480
Cotey Chem. Corp. Lubbock, TX	VI	2/4/75	6/30/75	$ 270
Cougar Chemical Co. Miami, FL	IV	12/16/75		
Crown Tar & Chemical Denver, CO	VIII	8/8/75		
Custom Labs. Spokane, WA	X	8/26/75		Withdrawn
Cutting Division Harvest Industries Sacramento, CA	IX	4/30/75		
Dairy Chemical Co. Fort Dodge, IA	VII	7/17/75	8/14/75	$ 1940
Daly's, Inc. Seattle, WA	X	8/22/75		

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Davies-Young Co. Maryland Heights, MO	VII	4/3/75	6/6/75	$ 1200
Deisch-Benham., Inc. Nappanee, IN	V	12/29/75		
Delta Chem. Co. Marks, MS	IV	6/19/75	7/23/75	withdrawn
Diamond Shamrock Chem. Co. Houston, TX	VI	7/21/75	11/26/75	$ 4300
Dorea International Newark, NJ	II	7/18/75	1/2/76	$ 850
Dorex, Inc. Frankfort, IL	V	1/23/75	9/5/75	$ 1560
Dow Chemical Co. North Kansas City, MO	VII	7/16/75		
Dymon, Inc. Kansas City, KS	VII	8/26/75	12/3/75	$ 700
Earl May Seed & Nusery Co. Shenandoah, IA	VII	12/23/75		
Eastern Laboratories Vineland, NJ	II	8/20/75		
Ebony Paint Manufacturing Mission, KS	VII	5/1/75	6/26/75	$ 132
Ecological & Specialty Paterson, NY	II	8/21/75	9/18/75	withdrawn

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
8 in 1 Pet Products Brentwood, NY	II	3/75	5/29/75	$ 4200
8 in 1 Pet Products Brentwood, NY	II	8/29/75		withdrawn
Elam Chemical Co. St. Louis, MO	II	5/9/75	7/15/75	$ 180
Emerson Chemical Prod. Norristown, PA	III	2/26/75	6/6/75	$ 1000
Ernesto Barboza Passaic, NJ	II	3/19/75	12/8/75	$ 0
Erny Supply Co. Tampa, FL	IV	12/2/74	1/6/75	$ 1850
Euclid Chemical Co. Cleveland, OH	V	10/1/75		
F&H Chemicals Visalia, CA	IX	5/16/75		
FHW Tox & Biol. Lab. Casselberry, FL	IV	3/20/75	8/5/75	$ 500
Famco, Inc. Medina, OH	V	12/16/75		
Farmland Industries Kansas City, MO	VII	12/2/74	2/12/75	$ 18000
Farnam Companies Omaha, NB	VII	1/16/75	4/2/75	withdrawn
Federal Chemical Co. Cranberry, NJ	II	2/7/75	4/29/75	$ 1743

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Ferguson Fumigants Hazlewood, MO	VII	5/12/75	7/14/75	$ 200
Fields Of California Long Beach, CA	IX	4/16/75	2/2/76	$ 250
Flavor Corp. Of America Northbrook, IL	V	4/10/75	7/25/75	Dismissed
Fleming & Co. St. Louis, MO	VII	1/24/75		
Fleming & Co. St. Louis, MO	VII	7/25/75		
Fords Chem & Service, Inc. Pasadena, TX	VI	6/12/75		
Freesmeier Labs St. Louis, MO	VII	11/25/75	12/16/75	$ 594
Fuller Systems Co. Woburn, MA	II	11/7/75		
Fuller-O'Brien South San Francisco, CA	IX	6/30/75		
Fuld Stalfort, Inc. Los Angeles, CA	IX	6/30/75	11/25/75	$ 9850
Garman Co., Inc. St. Louis, MO	VII	4/1/75	5/6/75	$ 400
Garner-Asphalt Tampa, FL	IV	4/29/75	7/17/75	$ 3000

APPENDIX B
TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
George's Pest Control Service Chico, CA	IX	6/30/75		
Gibson-Homans, Inc. Des Moines, IA	VII	3/14/75	4/30/75	$ 3000
Gibson-Homans Des Moines, IA	VII	5/14/75	7/14/75	$ 750
Gibson-Homans, Inc. Portland, OR	X	6/17/75		
Gift Sales Wichita, KA	VII	5/12/75	6/18/75	$ 250
Gold Kist, Inc. Atlanta, GA	IV	12/2/74	3/7/75	$ 3220
Golden Star Polish Mfg. North Kansas City, MO	VII	3/14/75	5/22/75	$ 2244
Good-Way Insecticide, Inc. Arlington Heights, IL	V	12/19/75		
Gould's Dell Products Williamsport, PA	III	7/16/75	9/26/75	$ 320
Grace-Lee Products, Inc. Minneapolis, MN	V	10/1/75		
Grant Laboratories Oakland, CA	IX	6/30/75		
Gulf Engineering New Orleans, LA	VI	4/30/75		

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Gulf States Chem Co. Hattiesburg, MS	IV	2/6/75	4/8/75	$ 880
H-O-H Chemicals, Inc. Palatine, IL	V	4/3/75		
Harris Serum McCook, NB	VII	10/6/75	11/19/75	$ 1320
Hart Delta, Inc. Baton Rouge, LA	VI	4/30/75	9/23/75	$ 650
Haviland Ag. Chem. Co. Grand Rapids, MI	V	1/24/75	9/15/75	$ 4320
Hawkins Chemical, Inc. Minneapolis, MN	V	1/24/75	12/5/75	$ 4600
Helena Chem. Co. Memphis, TN	IV	12/2/74	1/29/75	$ 4640
Helena Chem. Co. W. Helena, AR	VI	3/17/75	5/28/75	$ 1800
Helena Chemical Co. Des Moines, IA	VII	5/12/75	6/3/75	$ 2700
Hercules, Inc. Houston, TX	VI	9/26/75		
Hi Brett Chemical Rahway, NJ	II	2/6/75	4/22/75	$ 900
Holder Corp. Huntington, WV	III	7/11/75	9/26/75 Default	$ 800

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Hollowick Inc. Manleuis, NY	II	4/16/75	11/24/75	$ 950
Honey Bee Manufacturing Co. Battleground, WA	X	5/27/75	9/11/75 Default	$ 280
Hooker Chemical Co. Niagara Falls, NY	II	5/19/75		
Howerton Gowen Chemicals, Inc. Roanoke Rapids, NC	IV	8/8/75	10/23/75	$ 2800
Hub States Corp. Indianapolis, IN	V	1/31/75		
Hunt & Co., Inc. Greensboro, NC	IV	6/5/75	7/17/75	$ 1428
Hygienic Sanitation Landsdale, PA	III	12/18/74		$ 1200
Indiana Naval Stores Co. Indianapolis, IN	V	10/1/75	12/3/75 Default order	$ 2800
Industrial Chemical & Supply Co. Tampa, FL	IV	6/30/75	8/25/75	$ 1820
Industrial Chemical Laboratories Omaha, NB	VII	1/24/75	4/11/75	$ 1848
Int'l Multifoods, Ag. Chem. Madison, WI	V	10/1/75		

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Interchem, Inc. St. Louis, MO	VII	4/14/75	7/18/75	$ 400
Ionics, Inc. Bridgeville, PA	III	9/8/75		
J. Sperry Co. Kingsley, IA	VII	4/1/75	5/22/75	$ 300
J&B Enterprise Helena, AL	IV	6/30/75		
J.M. Sales Co., Inc. Overland, MO	VII	4/28/75	6/5/75	$ 750
Jacquor Chem. New York, NY	II	7/3/75		$ 4600
James Varley & Sons St. Louis, MO	VII	4/30/75	6/29/75	$ 972
James Varley & Sons St. Louis, MO	VII	11/25/75		
Jancyn Mfg. Corp. Central Islip, NY	II	6/5/75	7/22/75	$ 1125
Javo-Mex Corp South Holland, IL	V	12/24/75		
Jones Chemical Inc. Festus, MO	VII	7/30/75	12/3/75	$ 800
Kare Chemical Co. Opa Locka, FL	IV	9/25/75	12/5/75	$ 15,000
Kemin Industries Des Moines, IA	VII	3/11/75	12/24/75	$ 3000
Kemin Industries Des Moines, IA	VII	5/12/75		Included in above case

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Kerr-McGee Chemical Corp. Jacksonville, FL	IV	6/30/75		
Kesco Sales Fairway Inc. Shawnee Mission, KS	VII	1/22/75	2/13/75	$ 500
Kill It All Insecticide Co. Montebello, CA	IX	6/30/75		
Kill Rat Corp. Phoenix, AZ	IX	6/30/75		
Klix Chemical Co. Portland, OR	X	9/16/75	11/13/75	$ 990
Koboy Ammonia Products Skokie, IL	V	4/14/75	7/22/75	$ 270
Korinex Remedy Co. Stayton, OR	X	1/15/75	5/12/75	$ 168
Krest Products Co. Leominister, MA	I	5/7/75		
Kyanize Paints, Inc. Springfield, IL	V	4/22/75	10/22/75	$ 1920
Laboratory Automated Chemicals Gardena, CA	IX	6/30/75		
Land & Sky Lincoln, NB	VII	12/5/75		
Lebanon Chem Lebanon, PA	III	9/30/75		

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Lethelrn Products Mt. Vernon, NY	II	6/10/75	11/26/75	$ 400
Levenson Chemical Co. Omaha, NB	VII	12/23/75		
Lift Products Inc. Cedar Rapids, IA	VII	8/26/75		
Long Island Paint Glen Cove, NY	II	6/9/75	8/14/75	$ 720
Luseaux Labs Gardena, CA	IX	6/30/75		
M.A. Bruder & Sons Broomall, PA	III	4/24/75	9/2/75	withdrawn
M&T Chemicals Carrollton, KY	IV	5/15/75	8/5/75	$ 3640
Madison Bionics Gardena, CA	IX	6/30/75		
March Chem. Co. Denham Springs, LA	VI	7/31/75		
Master Labs Beaver Falls, PA	III	12/11/74		Combined with Civil Complaint Issued 7/19/74
Mayo Chem. Co. Smyrna, GA	IV	12/2/74	1/27/75	$ 1480
McInnis Labs. Meridan, MS	IV	10/29/75		

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Mid-America Formulators Arlington, TN	IV	10/31/75		
Mid State Chemical & Sup. Indianapolis, IN	V	4/22/75	10/22/75	$ 726
Midwest Solvents Company, Inc. Atchinson, KS	VII	3/10/75	4/25/75	$ 1200
Milfred Company Pittsburgh, PA	III	3/21/75	5/6/75	$ 270
Miller-Morton Co. Richmond, VA	III	12/4/75		
Missouri-Kansas Chem. Co. Kansas City, MO	VII	5/23/75	8/14/75	$ 250
Mobil Chemical Edison, NJ	II	3/21/75	7/7/75	$ 8400
Mogul Corp. Portland, OR	X	6/18/75	9/11/75	$ 2160
Monsey Products Co. Rock Hill, SC	IV	12/2/74	2/13/75	$ 480
Monsey Products Co. Kimberton, PA	III	10/26/75		
Moyer Chemical Co. San Jose, CA	IX	4/16/75		
N. B. Purdy, Inc. Wauconda, IL	V	4/24/75	8/20/75	$ 765
N. Jonas Company Philadelphia, PA	III	4/3/75		

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
National Purity Water, Inc. Deerfield, FL	IV	9/12/75		
Nationwide Chem. Brooklyn, NY	II	6/26/75		
Nationwide Chem. Brooklyn, NY	II	11/26/75		
Navy Brand Mfg. Co. St. Louis, MO	VII	8/26/75	10/14/75	$ 1500
Nova Products Inc. Kansas City, KS	VII	7/15/75		
Nulife Fertilizer Tacoma, WA	X	3/14/75	6/3/75	$ 2240
NuTone Products Denver, CO	VIII	8/8/75		
O.E. Linck Co. Los Angeles, CA	IX	4/16/75		Dismissed
Old South Sales Co. Andalusia, AL	IV	12/13/74	3/6/75	$ 120
Omaha Compound Co. Omaha, NB	VII	11/21/75		
Ommnican Medical, Inc. Dallas, TX	VI	9/25/75		
Ortex Products Newark, NJ	II	4/21/75	8/25/75	$ 7500
Oxford Chem. Co. Chamblee, GA	IV	5/1/75	7/2/75	$ 2700

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Ozark Chem., Co. N. Little Rock, AR	VI	2/18/75	8/1/75	$ 918
PBI Gordon Corp. Kansas City, MO	VII	1/3/75	1/28/75	$ 1680
PPG Industries, Inc. Barberton, OH	V	1/3/75	3/6/75	withdrawn
Pace National Magnolia Feed & Fert. Kirkland, WA	X	6/20/75		
Panda Victory Paints St. Louis, MO	VII	9/25/75	11/14/75	$ 1000
Park Hill Chemical Mt. Vernon, NY	II	3/19/75		
Park Hill Chemical Mt. Vernon, NY	II	3/28/75		
Parramore & Griffin Seed Valdosta, GA	IV	1/30/75		
Parrawax Co., The Council Bluffs, IA	VII	6/3/75	7/11/75	$ 300
Patel Co. K.C., MO	VII	5/13/75		withdrawn
Patterson Chem. Co. Kansas City, MO	VII	12/6/74	2/11/75	$ 950
Paxton Enterprises Palacios, TX	VI	2/18/75	7/8/75	$ 280

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Pennyfeather Co. Greenville, DE	III	12/31/74	7/6/75	$ 250
Perfection Beauty Prod. Pearl River, NY	II	6/16/75	8/5/75	$ 330
Pioneer Bldg. Specialties Co. Portland, OR	X	12/30/74		withdrawn
Pioneer Chem., Inc. Ponca City, OK	VI	1/21/75	5/28/75	$ 350
Pioneer Mfg. Co. Cleveland, OH	V	12/18/74	4/23/75	$ 1080
Piper Co., The St. Louis, MO	VII	1/22/75	3/14/75	$ 280
Pittsburgh Sanitary Chem Pittsburgh, PA	III	6/12/75	10/28/75	$ 700
Plainsmen Ag. Chems. Plainview, TX	VI	3/17/75	4/29/75	$ 1000
Plaz. Inc. St. Louis, MO	VII	12/5/75		
Pollution Control Products, Inc. Ft. Lauderdale, FL	IV	6/6/75		
Precision Products Corp. Kansas City, MO	VII	5/12/75	6/16/75	withdrawn
Pride Laboratories Farmingdale, NY	II	10/17/75		

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Promico, Inc. Eagle Grove, IA	VII	12/31/74	2/12/75	$ 3000
Property Chemical Products Div. Chemirust Industries Gardena, CA	IX	6/17/75		
Pro-Serve, Inc. Memphis, TN	IV	6/30/75		
Puritan Chemical Co. Atlanta, GA	IV	9/4/75		
R & M Exterminators Tyler, WA	X	12/10/74	1/28/75	$ 700
Red Star Poison Co. Woodburn, OR	X	6/5/75		
Redwood Chemical Corp. Houston, TX	VI	10/22/75		
Research Products Salina, KS	VII	12/19/74	1/20/75	withdrawn
Rice Chemical, Co. Sioux City, IA	VII	12/31/74	6/16/75	$ 100
Richard Rover, Inc. Bellville, NY	II	9/9/75	12/24/75	$ 750
Rigo Chemical Co. Buckner, KY	IV	11/7/75		
Rite Chemical Co. New Orleans, LA	VI	6/13/75	9/19/75	$ 550

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Royal Bond, Inc. St. Louis, MO	VII	1/31/75	3/12/75	$ 1080
Russell Co., The St. Louis, MO	VII	8/19/75	9/4/75	$ 100
S.V. Chemicals Universal Industries Tacoma, WA	X	6/18/75	10/25/75	$ 1530
Saginaw Feed Co. Saginaw, TX	VI	1/30/75	4/24/75	$ 2520
Sani-Kem Corp. Kansas City, MO	VII	5/12/75	6/13/75	$ 100
Sanitary Supply Co. Beaumont, TX	VI	12/21/75		
Scott Chem. Co. San Antonio, TX	VI	2/25/75	11/7/75	$ 540
Select Values, Inc. Long Island, NY	II	4/22/75	6/24/75	$ 220
Sentinel Pest Control Springfield, IL	V	12/24/75		
Shawnee Mission Plumbing, Inc. Shawnee Mission, KS	VII	1/17/75	3/11/75	$ 300
Sheff Chem. & Supply Co. Bradenton, FL	IV	11/7/75		
Shell Chemical Princeton, NJ	II	12/11/75		
Shepard Chem. Works, Inc. Wilmington, NC	IV	3/31/75	5/19/75	$ 425

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Sifers Chemicals Inc. Iola, KS	VII	5/12/75	10/15/75	$ 480
Simchem Minerals & Chemicals Mountain Home, ID	VIII	12/31/75		
Singletary & Company Rocky Mount, NC	IV	7/28/75		
Southeastern Chemical Corp. Fairfax, SC	IV	4/29/75	8/26/75	$ 690
Southern Mill Creek Products Co. Tampa, FL	IV	8/18/75		
Stat Enterprises Farmingdale, NY	II	9/17/75		
Stearns Chemical Corp Madison, WI	V	12/16/75		
Stewart Hall Petroleum Mt. Vernon, NY	II	9/16/75		
Stewart Hall Petroleum Mt. Vernon, NY	II	9/17/75		
Sunnyside Products, Inc. Chicago, IL	V	10/1/75		
Swift Chemical & Supplies Kansas City, MO	VII	5/14/75	6/19/75	$ 1056
TMS Laboratories Farmingdale, NY	II	9/29/75		

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Tenneco Chemicals Elizabeth, NJ	II	9/17/75		
Texize Chem. Co. Greenville, SC	IV	5/15/75	7/16/75	$ 1680
Texmo Lewisville, TX	VI	10/3/75		
Theochem Labs, Inc. Tampa, FL	IV	2/24/75	5/19/75	$ 1350
Thomas Proestler Davenport, IA	VII	9/26/75		
Thompson-Hayward Kansas City, MO	VII	7/2/75	9/30/75	$ 12,108
Thompson Hayward Chem Co. New Orleans, LA	VI	9/26/75		
Thompson-Hayward Chem. Co. Fayetteville, SC	IV	12/16/75		
Thompson Hayward Chem. Co. Muscle Shoals, AL	IV	12/18/75		
Time Chemical, Inc. Chicago, IL	V	4/14/75	11/28/75	$ 3200
Time Chemical, Inc. Atlanta, GA	IV	11/7/75		
Tobacco States Chem. Lexington, KY	IV	6/5/75	8/5/75	$ 1820
Tom Boy, Inc. St. Louis, MO	VII	2/10/75	3/13/75	$ 1680

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Triangle Chem. Macon, GA	IV	6/30/75	9/11/75	$ 1680
Trio Chemical Works Brooklyn, NY	II	3/21/75	11/19/75	$ 1100
Trio Chemical Works Brooklyn, NY	II	4/30/75	11/19/75	$ 2400
Troy Chemical Co. Newark, NJ	II	12/9/74	6/9/75	$ 4250
Troy Chemical Co. Newark, NJ	II	12/9/74	6/9/75	$ 4000
Troy Chemical Co. Newark, NJ	II	12/9/74	6/9/75	$ 4000
Troy Chemical Co. Newark, NJ	II	12/9/74		withdrawn
United Lace & Brade Co. Great Neck, NY	II	10/29/75		
United Textile Janesville, WI	V	8/8/75	11/14/75	$ 500
Utility Chemical Paterson, NJ	II	11/26/75		
Valley Chemical Co. Imperial, CA	IX	4/16/75		
Venus Laboratories, Inc. Bensenville, IL	V	7/11/75		
Vet-Aid Industries, Inc. Minneapolis, MN	V	7/7/75	10/22/75	$ 1188

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TABLE 1

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Vineland Labs Vineland, NJ	II	9/23/75		
Virginia Chemicals Portsmouth, VA	III	2/14/75	6/6/75	$ 1000
Voluntary Purchasing Groups Bonham, TX	VI	3/24/75	12/1/75	$ 4675
Vulcan Materials Co. Wichita, KS	VII	10/7/75	10/22/75	withdrawn
W.R. Sweeney Mfg. Co. Salisbury, MO	VII	11/25/75		
Warren Douglas Chemical Co. Omaha, NB	VII	10/17/75	1/6/76	$ 2400
Water Purification Technology, Inc. Miami, FL	IV	7/28/75		
Water Services, Inc. Knoxville, TN	IV	12/24/75		
Weil Chemical Co., Inc. Memphis TN	IV	9/30/75		
Western Chemical Co. St. Joseph, MO	VII	8/26/75	9/30/75	$ 1848
Western Tar Products Terre Haute, IN	V	12/24/75		
Whitley Ind. Combes, TX	VI	2/25/75	7/8/75	$ 100
Whitmire Research Laboratories St. Louis, MO	VII	2/20/75	5/6/75	$ 1680

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NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL OR ORDER	AMOUNT OF PENALTY OR STATUS
Wichita Brush & Chemical Co. Wichita, KS	VII	12/3/75		
Wilson Aerosol Company Spring Hope, NC	IV	8/21/75		
Worldwide Distributors, Inc. Seattle, WA	X	3/26/75		Dismissed
Wykoff Co. Seattle, WA	X	8/15/75	10/8/75	$ 1200
Zep Manufacturing Co. Atlanta, GA	IV	2/12/75	4/23/75	$ 4000
Zeo Chem. New Hyde Parks, NY	II	7/14/75		
Zimmite Corporation West Lake, OH	V	7/18/75	12/5/75	$ 2550

APPENDIX B
TABLE 2

Criminal Actions Initiated By EPA Under Section 14(b) of The Federal Insecticide, Fungicide, and Rodenticide Act.

December 1974 Through December 1975

NAME CITY STATE	REGION	DATE REFFERRED TO U.S. ATTORNEY	RESULTS/ STATUS
Anderson Brothers Farm Oakley, ID	X	4/16/75	U.S. Attorney declined to prosecute 5/30/75
Christensen, Paul Grace ID	X	4/16/75	U.S. Attorney declined to prosecute 5/30/75
Grigg & Anderson Burley ID	X	4/16/75	U.S. Attorney declined to prosecute 5/30/75
Gunning, Francis F. Jerome ID	X	4/16/75	U.S. Attorney declined to prosecute 5/30/75
Hill Valley Farm Kimberly ID	X	4/16/75	U.S. Attorney declined to prosecute 5/30/75
Lloyd, Merrill Grace ID	X	4/16/75	U.S. Attorney declined to prosecute 5/30/75
Paulsboro Products, Inc. Bridgeport CT	I	1/6/75	Fined $400 on 2 counts 11/3/75
Rice, James D.	VI	3/18/75	Under review by U.S. Attorney

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TABLE 3

UPDATE OF RESULTS FOR CIVIL PENALTY PROCEEDINGS INITIATED BY EPA UNDER SECTION 14(a) OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED*

DECEMBER 1972 THROUGH NOVEMBER 1974

NOTE: If no entry appears in last two columns, case was in pending status as of December 31, 1975

NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	DATE OF PENALTY OR STATUS
ABCO, INC. Irwin, Region III	PA	10-21-74	6-16-75	$2,103
Admiral Paint Co., Inc. Lake Charles Region VI	LA	3-14-74	11-7-74	$1,400
Agro-Chem Chicago, Region V	IL	11-19-74	4-26-74	$550
Alcolac Baltimore, Region III	MD	8-8-74	11-26-74	$1,200
Alden-Leeds Co. (Kierny, N. Jersey) Ontario Region IX	CA	11-8-73	1-10-75	$300
Amchem Procducts Amber, Region III	PA	10-1-74	1-28-75	1,000

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*The actions for which results are reported on in this table were first listed in Appendix E of the EPA Report, entitled, "EPA ENFORCEMENT--TWO YEARS OF PROGRESS, DECEMBER 1972 TO NOVEMBER 1974", and were shown as "Pending" in that volume if the Regional Offices had not reported the results or dispositive action had not been taken at press time.

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TABLE 3

NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
American Home Chem. Indianapolic, Region V	IN	1-22-74	8-19-74	$500
Amway Corp. Ada, Region V	MI	9-18-75	12-31-74	$500
The Anderson Chem. Co. Litchfield, Region V	MN	5-2-74	6-27-74	$4,500
Amway Corp. Ada, Region V	MI	5-2-74	8-16-74	Dismissed
Applied Biochemist Mequon, Region V	WI	10-10-74	10-7-75	$400
The Aquarium Baltimore, Region III	MD	10-21-74	10-8-75	$1,200
Astro Exterminating Co. Charlestown, Region I	MA	6-28-74	1-28-75	$1,950
Astro Exterminating Co. Charlestown, Region I	CT	6-28-74	1-28-75	Included in above case
Balcom Chemicals, Inc. Greeley, Region VIII	CO	11-1-74	12-5-74	$2,200
Balcom Chemical, Inc. Greeley, Region VIII	CO	5-30-74	12-5-74	Combined with above case

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TABLE 3

NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
G.G. Bean, Inc. Brunswick, Region I	ME	11-5-74	5-21-75	$400
Bio Certa New York, Region II	NY	8-28-74	1-31-75	-0-
Bio Certa New York Region II	NY	8-7-74	1-31-75	-0-
Bio Certa New York, Region II	NY	8-30-74	1-31-75	-0-
B & G Products Co. St. Paul Region V	MN	4-22-74	10-29-74	Withdrawn
Borden Chemical Co. Marietta, Region IV	GA	10-23-74	1-6-75	$1,940
W.T Boyles Cincinnati, Region V	OH	4-10-74	12-30-74	Withdrawn
Bros. Century 21, Inc. New Waterford, Region V	OH	3-21-74	7-18-74	Dismissed
Brulin & Co., Inc. Indianapolis, Region V	IN	3-6-74	8-13-74	$3,000

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
BSAF Wyandotte Detroit, Region V	MI	6-3-74	8-27-74	$500
Buckingham Wax New York, Region II	NY	11-21-73	11-5-75	Withdrawn
Burris Chem. Inc. Charleston, Region IV	SC	9-1-74	11-12-74	$1,800
The Bushnell Co. St. Paul Region V	MN	4-10-74	12-23-74	Withdrawn
Campbell Chemicals, Inc. St. Louis, Region VII	MO	11-15-74	10-27-74	$1,470
Carajon Chemical Co. Fremont, Region V	MI	4-14-74	8-27-74	$1,000
Carp Chemical Brooklyn, Region II	NY	5-10-74	8-7-74	$800
Carpenter Morton Co. Everett, Region V	MA	6-22-73	2-5-74	$750
Century Industries, New Waterford, Region V	OH	3-28-74	1-13-75	$2,000

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Champion International Kalamazoo Region V	MI	11-1-74	4-11-75	$7,560
Chapman Chemical Co. Jackson Region IV	MS	2-5-74	5-19-75	$1,500
Cheesbrough - Ponds Chicago Region V	IL	7-26-74	12-31-74	$1,875
Chemagro Chemical Co. Kansas City, Region VII	MO	9-20-74	11-11-74	$1,512
Chemed Corp. Sharonville, Region V	OH	10-18-74	1-13-75	$720
Chemscope Chemical Co. Dallas, Region VI	TX	11-26-73	6-20-75	$2,300
Chemola Corp. Houston, Region IX	TX	3-14-74	5-14-75	$1,500
Cincinnati Milcacron Cincinnati, Region V	OH	9-27-74	8-20-75	$1,512
Claire Mfg. Co. Chicago, Region V	IL	5-21-74	11-7-74	$1,500

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TABLE 3

NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
H. A. Cole Products Co. Region IV		8-7-74	7-16-75	$1,575
Commerical & Industrial Childs, Region III	PA	7-12-74	1-24-75	$500
Continental Pacific Corp. Whittier, Region IX	MO	6-28-74		
Copesan Services, Inc. Milwaukee, Region V	WI	8-2-74	12-31-74	$250
C. T. Cops. System (Univar) Minneapolis, Region III	MN	10-29-74	10-6-75	$1,800
Cotter & Co. Chicago, Region V	IL	6-11-74	4-29-75	$500
Crosby Forest Prod. Co. Picayune, Region IV	MS	8-9-74	9-23-74	$1,200
Cumberland Mfg. Co. Nashville, Region IV	TN	7-5-74	2-12-75	$1,800
Frank J. Curran Co. Downers Grove, Region V	IL	2-21-74	12-6-74	$500

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
M. J. Daly, Inc. Ludlow, Region IV	KY	10-23-74	3-6-75	$2,000
Detroit Vet Supply Detroit, Region V	MI	5-21-74	10-2-74	Withdrawn
Diamond Shamrock Industriez Torrance, Region IX	CA	3-19-74		
Diamond Shamrock Corp. Brawley, Region IX	CA	1-3-74	6-10-75	Dismissed
J.J. Dill Co. Kalamazoo Region V	MI	7-1-74	4-25-75	$1,500
Dolphin Paint & Chem. Toledo, Region V	OH	3-11-74	5-20-74	$1,500
Dymon, Inc. Shawnee Mission, Region VII	KS	11-20-74	2-13-75	$2,000
Eagle Exterminating Philadelphia, Region III	PA	10-21-74	2-6-75	$50
Eastern Labs Vineland, Region II	NJ	6-17-74	12-16-75	-0-

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Eastern Shore Labs. Laurel, Region III	DE	4-19-74	1-2-75	$3,500
J. T. Eaton & Co. Cleveland, Region V	OH	6-28-74	12-6-74	$700
Economy Products Co. Shenandoah, Region VII	IA	9-20-74	1-29-75	$500
Elco Mfg. Co. Sharpsburg, Region III	PA	2-26-74	8-1-75	$1,860
Enterprise Paint Chicago, Region V	IL	5-21-74	9-26-75	$500
Farmcraft Inc. Tigard, Region X	OR	7-10-74	1-2-75	$1,200
Farmers Union Central Exchange S. St. Paul, Region V	MN	4-17-74	8-27-74	$500
Charles Finley Chicago, Region V	IL	6-11-74	3-7-75	$500
Franklin Labs Denver, Region VIII	CO	9-18-74	12-4-74	$2,000

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
General Packaging and Chemicals Co. Union City, Region IX	CA	11-8-73	5-6-75	Withdrawn
Givaudan Corp. Clifton, Region II	NJ	8-5-74	7-24-75	$1,500
Globe Chemicals Toledo, Region V	OH	5-9-74	5-9-75	$1,900
H. Clay Glover Toms River Arlington Heights, Region V	IL	11-25-74	9-7-75	$270
R. L Gould Co. St. Paul Region V	MN	11-16-73	10-5-74	Withdrawn
Great Lakes Biochemical Milwaukee, Region V	WI	3-6-74	1-17-75	$500
Gulf Oil Corp. Jackson, Region IV	FL	7-8-74	10-21-75	$5,400
Haag Laboratories Blue Island, Region V	IL	6-5-74	1-13-75	Withdrawn
Harrison Oil Co., Inc. Milwaukee, Region V	WI	4-10-74	11-7-74	$500

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Hilex Div. Hunt Chemical Co. St. Paul, Region V	MN	12-16-73	2-21-74	Dismissed
Holder Corp. Huntington, Region III	WV	6-4-74	12-11-74	$1,500
H. S Equip. & Supply, Shilbyville, Region V	IN	11-18-74	2-26-75	$924
Hub States Corp. Indianapolis, Region V	IN	2-5-74	11-13-74	$3,500
Huge Company St. Louis, Region VII	MO	8-27-74	11-21-74	Withdrawn
Hunt Chemicals, Inc. St. Paul, Region V	MN	4-26-74	4-29-75	$500
Imoco-Gateway Corp. Baltimore, Region III	MD	10-23-74	5-19-75	$1,700
Jac Son Company Anaheim, Region IX	CA	11-21-73	3-11-75	Dismissed
S.C. Johnson Racine, Region V	WI	6-25-74	2-18-75	$750

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Kemin Industries Des Monies, Region VII	IA	8-30-74	12-3-74	$3,500
Kenco Che. Mfg. Co., Inc. Jacksonville, Region IV	TN	7-5-74	3-11-75	$1,700
Kirsto Co. Lansing, Region V	MI	4-29-74	10-24-74	$500
Koos, Inc Kensosha, Region V	WI	11-18-74	7-22-75	$2,408
Lawn House Products Milwaukee, Region V	WI	6-28-74	12-6-74	$500
Lenter Enterprises Bloomfield Hills, Region V	MI	5-14-74	2-10-75	$300
Leonard Co. St. Louis, Region VII	MO	9-5-74	11-14-74	$580
Lewis Marchi Chandle Newark, Region II	NJ	6-17-74	11-26-74	$250
Los Angles Chemical Co. Los Angeles, Region IX	CA	6-28-74	6-20-75	$4,500
Lowman Co., Waterloo, Region V	IN	4-10-74	8-16-74	$750

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Lystads, Inc. Grand Forks, Region VIII	ND	2-11-74	10-2-74	$1,200
M. R. McClelland & Sons Tacoma, Region X	WA	5-7-73	7-2-73	$100
McConnon & Co. Winona, Region V	MN	6-20-74	8-2-74	Dismissed
Kerr-McGee Chem. Corp. Orlando, Region IV	FL	7-8-74	8-20-74	$900
McGraw-Edison Albion, Region V	MI	9-18-73	4-18-75	$425
Madison Chemical Madison, Region V	IN	6-4-74	11-15-74	$500
Magnolia Chem. Co., Inc. Dallas, Region VI	TX	8-27-74	6-10-75	$3,456
Mallinckrodt Chemicals Works St. Louis, Region VII	MO	9-20-74	9-24-74	Withdrawn

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Master Philadelphia, Beaver Falls, Region III	PA	7-19-74	6-6-75	$1,200
Metallic Coating Co. Carpentersville, Region V	IL	10-23-74	4-18-75	$500
Mid State Chemical & Supply Corp. Indianapolis, Region V	IN	10-23-74	9-17-74	$726
Middle State Oil Co. Cleveland, Region V	OH	1-29-73	9-19-74	$500
Mihelich Nurseries Warren, Region V	MI	3-13-74	3-7-75	$630
Montgomery Ward St. Paul Region V	MN	8-23-73	8-16-74	Withdrawn
Mortemoth Chem. Labs Milwaukee, Region V	WI	3-5-74	8-19-74	$500
Morton Pharmaceuticals Inc. Memphis, Region IV	TN	7-5-74	11-11-74	$800
National Bird Control Labs Skokie, Region V	IL	12-17-73	5-22-75	$2,000

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Nicole Dorea, Inc. Gordonville, Region III	VA	3-20-74	2-7-75	$400
Noma-World Wide Chicago, Region V	IL	6-20-74	6-6-75	$500
Nordon Laboratories Lincoln, Region VII	NE	11-25-74	1-7-75	$5,500
Northern Instruments St. Paul, Region V	MN	11-18-74	9-23-75	$500
Northrup, King & Co. Helena, Region VIII	MT	7-31-73	6-17-73	$300
Nottingham Co. Atlanta, Region IV	GA	9-19-74	12-23-74	$1,200
Oil Kraft, Inc. Cincinnati, Region V	OH	5-29-74	9-20-74	$500
Oil Speciality Brooklyn, Region II	NY	5-9-74	5-8-75	$1,500

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Pacific Supply Corp. Portland, Region X	OR	9-10-74	12-4-74	$1,800
Packaging Unlimited Los Angeles, Region IX	CA	3-19-74	6-16-75	$2,500
Pantry Pride, Inc. Philadelphia, Region III	PA	4-23-74	11-27-74	Withdrawn
Patio Products Co. Corwells Heights, Region III	PA	9-3-74	12-30-74	Withdrawn
Pearson & Co. Mobile, Region IV	AL	11-2-73	7-2-75	$1,000
Pearson & Co. Mobile, Region IV	AL	11-2-73	7-2-75	Combined with above case
Pearson & Co. Mobile, Region iv	AL	11-2-73	7-2-75	Combined with above case
Michel & Pelton Emeryville, Region IX	CA	3-12-74	10-31-74	-0-

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Pennyfeather Corp. Greenville, Region III	DE	6-20-74	7-15-75	$250
Perk Products Co. Nashville, Region IV	TN	7-8-74	6-5-75	$120
Physicians & Hospitals Supply Co. Minneapolis, Region V	MN	4-29-74	1-20-75	$2,500
Plunkett Chemical Co. Chicago, Region V	IL	5-9-74	4-11-75	$500
Potomac Rose Society Wash., D.C. Region III	DC	2-2-74	7-2-74	Transferr to Miller (Guaranty)
RMC Products Co. Fort Dodge, Region VII	IA	10-16-74	4-30-75	$200
G.S. Robbins & Co. St. Louis, Region VII	MO	10-16-74	5-5-75	$500
Jay Rodgers Co. Detroit, Region V	MI	11-25-74	7-22-75	$750

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Ropac Mfg. Co. Syracuse, Region II	NY	4-17-74	1-20-75	-0-
Rose Exterminator Cincinnati, Region V	OH	5-28-74	9-12-74	$2,000
R & R Enterprises La Canada, Region IX	CA	1-7-74	12-5-74	$3,500
Salisbury Labs Little Rock, Region VI	AK	1-21-74	5-2-74	$800
Sanco Prod. Co. Macon, Region IV	GA	7-16-74	7-16-75	$1,650
Sanford Chemical Co. Oklahoma City, Region VI	OK	9-12-74	12-15-75	$0
S.C.D. Chemical Co. Phoenix, Region IX	AZ	9-7-73	$4,000	
Science Products Co. Region V	IL	5-9-74	1-13-75	$1,000

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Scientific Research Corp. Alva, Region VI	OK	4-11-74	10-16-74	$2,100
O. M. Scott & Sons Co. Marysville, Region V	OH	7-18-74	11-3-74	$1,250
Senoret Chemical Co., Kirkwood, Region VII	MO	9-20-74	11-15-74	$630
Sharp Products Co. Pea Ridge, Region VI	AK	7-17-73	8-24-73	Withdrawn
Shap & Vejar Co. Los Angeles, Region IX	CA	6-28-74	6-23-75	$1,800
SKRK Manufacturing Co. Torrance, Region IX	CA	5-28-74	12-31-74	-0-
H. V. Smith Co. St. Paul, Region V	4-17-74	8-27-74	$500	
Southern Mill Creek Prods. Co. Tampa, Region IV	FL	11-2-73	7-22-74	$2,500
Southern Mill Creek Prods. Co. Tampa, Region IV	FL	11-2-73	Combined with above case	

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Sports Alliance, Inc. Los Angeles, Region IX	CA	11-21-73	5-5-75	-0-
Springfield Water Conditioning Co. Springfield, Region VII	MO	11-15-74	3-12-75	$280
Standard Chlorine Delaware Cith, Region III	DE	9-30-74	3-21-75	$1,400
Standard T Chicago, Region V	IL	8-14-73	9-23-74	$1,000
Stan Sax Corp. Detroit, Region V	MI	11-14-74	11-10-75	$3,000
M. D. Stetson Co. Boston, Region I	MA	11-5-74	10-14-75	$4,350
Stevens Industries, Inc. Dawson, Region IV	GA	8-9-74	11-19-7	$3,800

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Stoner's Inc. Quarysville, Region III	PA	8-22-74	4-2-75	$3,060
Terminix Inter., Inc. Milwaukee, Region V	WI	3-21-74	1-16-75	Dismissed
Terminix Int'l Inc. Cincinnati, Region V	OH	4-17-74	9-12-74	$1,000
Thatcher Chemical Salt Lake City, Region VIII	UT	2-11-74	4-8-75	$3,540
Thompson-Hayward Chemical Co. Memphis Region IV	TN	10-23-74	1-9-75	$3,000
Twinoak Products, Inc. Batavia, Region V	IL	9-27-74	1-17-75	$1,800
Union Carbide Corp. Atlanta, Region IV	GA	9-19-74	1-22-75	$8,000
Union Oil Co. of Calf. Minneapolis, Region V	MN	11-18-74	5-16-75	$7,800

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Uniroyal Chemical Co. Div. of Uniroyal Barton Rouge, Region VI	LA	12-21-73	5-2-74	$800
United Chemical Co. Kansas City, Region VII	MO	11-26-74	12-31-74	$378
Velsicol Chem. Corp. Chicago, Region V	IL	11-20-74	2-26-75	$4,800
Ventron Corp. Chicago, Region V	IL	10-18-74	12-31-74	$2,500
Veterinary Labs Lenexa, Region VII	KS	9-20-74	12-5-74	Withdrawn
Vita-Plus Corp. Madison, Region V	WI	8-12-74	9-18-75	$792
Diamond Vogel Paint Co. Burlington, Region VII	IA	8-27-74	11-20-74	$2,244
Water Services Inc. Knoxville, Region IV	FL	7-8-74	11-4-74	$420

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NAME CITY REGION	STATE	COMPLAINT ISSUE DATE	DATE OF FINAL EPA ORDER	AMOUNT OF PENALTY OR STATUS
Watkins Products Winona, Region V	MN	5-10-74	9-16-74	$1,400
Waxman Industries, Inc. Bedford Heights, Region V	OH	4-17-74	3-28-75	$1,500
Wine Art of Minnesota Minneapolis, Region V	MN	5-14-74	8-19-74	$600
Woolfolk Chem. Works Ltd. Ft. Valley, Region IV	GA	7-8-74	8-30-74	$3,000
F.W. Woolworth Co. Chicago, Region V	IL	2-21-74	4-29-74	$700

APPENDIX B
TABLE 4

UPDATE OF RESULTS FOR CRIMINAL ACTIONS INITIATED BY EPA UNDER SECTION 14(b) OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AS AMENDED*

DECEMBER 1972 THROUGH NOVEMBER 1974

NAME CITY REGION	State	DATE REFERRED TO U.S. ATT.	RESULTS/ STATUS
Ace Hardware Co. Benicia Region IX	CA	4-18-73	U.S. Attorney declined to prosecute. 10-11-73
Aero Mist, Inc. Marietta Region IV	GA	6-29-73	U.S. Attorney declined to prosecute. 4-23-75
Alden Leeds, Inc. Region II	NJ	7-18-73	Region II retracted case
Apex Services Atlanta Region IV	GA	7-27-73	U.S. Attorney declined to prosecute. 3-18-75
Aspen Industries, Inc. Tully Region II	NY	1-31-73	U.S. Attorney declined to prosecute. 7-1-75
Brulin & Co. Inc. Richmond Region IX	CA	7-27-73	U.S. Attorney declined to prosecute. 5-16-74
Chemical Specialties, Inc. Memphis Region IV	TN	12-7-73	U.S. Attorney declined to prosecute. 4-8-74

*The actions for which results are reported on in this table were first listed in Appendix E of the EPA Report, entitled, "EPA ENFORCEMENT--TWO YEARS OF PROGRESS, DECEMBER 1972 TO NOVEMBER 1974", and were shown as "Pending" in that volume if the Regional Offices had not reported the results or dispositive action had not been taken at press time.

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NAME CITY REGION	State	DATE REFERRED TO U.S. ATT.	RESULTS/ STATUS
Chevron Chem Co San Francisco Region IX	CA	12-27-72	Fined $1,500 on 2 counts. 5-25-73
Custom Chem., Inc Atlanta Region IV	GA	3-22-73	Fined $400 on 4 counts. 5-9-75
Delro Industries, Inc. Springfield Region I	MA	5-9-73	Fined $2,300 on 5 counts. 12-6-74
Dettleback Chem. Corp. Region IV	GA	2-21-73	U.S. Attorney declined to prosecute. 4-8-75
Dettleback Pesticide Corp. Region IV	GA	2-21-73	U.S. Attorney declined to prosecute. 4-29-75
Diversey Corp Chicago Region V	IL	3-11-73	Fined $1,500 and costs on 3 counts. 3-4-75
Dorsen Co. Inc Lithonia Region IV	GA	6-29-73	U.S. Attorney declined to prosecute. 4-3-75
Drew Chemical Corp. New York Region II	NY	8-13-74	U.S. Attorney declined to prosecute. 11-12-75
Franklin Labs., Inc. Imperial Region IX	CA	12-3-73	U.S. Attorney declined to prosecute. 12-31-74
Fuld-Stalfort, Los Angeles Region IX	CA	12-4-73	U.S. Attorney declined to prosecute. 3-4-74
Gabriel Chemicals, Ltd. Region II	NJ	12-14-73	U.S. Attorney declined to prosecute. 11-12-75

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NAME CITY REGION	State	DATE REFERRED TO U.S. ATT.	RESULTS/ STATUS
Hill Manufacting Co. Atlanta Region IV	GA	6-29-73	U.S. Attorney declined to prosecute. 2-12-75
J.L. Holcomb Mfg. Co. Chamblee Region IV	GA	1-9-73	U.S. Attorney declined to prosecute. 2-28-75
Hopkins Agric. Rockford Region V	IL	12-14-73	Fined $2,500 on 6 counts. 12-19-74
Hopkins Agric. Chem Co Region V	IL	12-14-73	Combined with above
Hysan Products Co. Chicago Region V	IL	10-23-73	Fined $15,000 on 15 counts. 12-4-74
Klix Chemical Co., Inc. So. San Francisco Region IX	CA	2-28-73	Fined $200 on 1 count. 12-11-73
Mayo Chemical Co., Inc. Smyrna Region IV	GA	12-3-73	Fined $800 on 8 counts. 3-14-75
National Chelating Corp. West Covina Region IX	CA	12-4-72	U.S. Attorney declined to prosecute. 12-21-72
New South Mfg Co. Atlanta Region IV	GA	4-16-73	U.S. Attorney declined to prosecute. 3-12-75

TABLE 4

NAME CITY REGION	State	DATE REFFERRED TO U.S. ATT.	RESULTS/ STATUS
O'Neal, Jones & Feldman Olivette Region VII	MO	12-7-72	Fined $2,400 on 4 counts. 5-18-73
O'Neal Jones, & Feldman Olivette Region VII	MO	1-24-73	Merged into above case
Patterson Chemical Co. Kansas City Region VII	MO	2-13-73	Fined $600 on 6 counts. 4-11-73
Patterson Chemical Co. Kansas City Region VII	MO	2-13-73	Merged into above case
Patterson Chemical Co. Kansas City Region VII	MO	2-13-73	Merged into above case.
Patterson Chemical Co. Kansas City Region VII	MO	2-13-73	Merged into above case.
Patterson Chemical Co. Kansas City Region VII	MO	2-13-73	Merged into above case.
Patterson Chemical Co. Kansas City Region VII	MO	2-13-73	Merged into above case.
Patterson Chemical Co. Kansas City Region VII	MO	2-13-73	Merged into above case.

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NAME CITY REGION	State	DATE REFERRED TO U.S. ATT.	RESULTS/ STATUS
Perfecto Dental Mfg. Co. Atlanta Region IV	GA	7-27-73	U.S. Attorney declined to prosecute. 3-19-75
Poly Chem. Inc. New Orleans Region VI	LA	12-29-72	Fined $250 on 1 count. 10-10-73
Professional Chem. Inc. Phoenix Region IX	AZ	1-31-73	Merged into case below.
Professional Chem. Inc. Phoenix Region IX	AZ	12-27-72	Fined $200 on 2 counts. 8-6-73
I.D. Russell Co., Labs Kansas City Region VII	MO	1-12-73	Fined $1,900 on 4 counts. 3-19.73
I.D. Russell Co. Labs. Kansas City Region VII	MO	1-12-73	Merged into above case.
I.D. Russell Co., Labs. Kansas City Region VII	MO	1-12-73	Merged into above case.
I.D. Russell Co. Labs. Kansas City Region VII	MO	1-12-73	Merged into above case.
Seacoast Lab. Inc. East Brunswick Region II	NJ	12-3-73	U.S. Attorney declined to prosecute.

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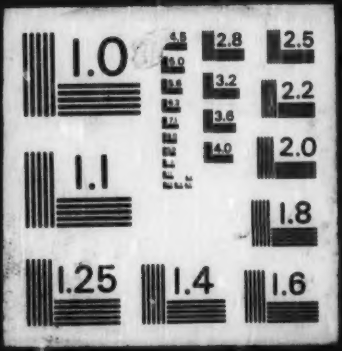
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APPENDIX B

TABLE 4

NAME CITY REGION	State	DATE REFERRED TO U.S. ATT.	RESULTS/ STATUS
Singletary & Co., Inc. Rocky Mount Region IV	NC	12-14-73	U.S. Attorney declined to prosecute. 7-15-75
Southern Druggist Inc. Atlanta Region IV	GA	1-15-73	U.S. Attorney declined to prosecute. 3-3-75
John Stumpf's Son Gretna Region VI	LO	1-9-73	U.S. Attorney declined to prosecute. 2-1-74
Tesco Chem, Inc. Atlanta Region IV	GA	4-16-73	U.S. Attorney declined to prosecute. 3-31-75
U.S.S. Agri-Chemicals Div of U.S. Steel Corp. Columbus Region IV	GA	7-12-73	U.S. Attorney declined to prosecute. 4-9-75
Valley Chemical Co., Inc. Greenville Region IV	MS	7-3-73	U.S. Attorney declined to prosecute. 11-5-73
Wood Treating St. Louis Region VII	MO	1-31-73	Fined $375 on 3 counts. 5-25-73
Wood Treating Chemical Co. St. Louis Region VII	MO	1-31-73	Merged into above case.
Wright Laundry Supply, Inc. Fort Worth Region VI	TX	12-3-73	U.S. Attorney declined to prosecute. 6-26-75

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NPDES Civil & Criminal Enforcement Actions
(Section 309 Referrals to U.S. Attorney)
As of 31 Dec 1975

Region Type Permittee Permit Number (Major/Minor) Location Receiving Waters	* Referral Date Filing Date Status (Disposition)	* Alleged Violation

SECTION ONE: ACTIVE CASES 28 Only those Referrals that have a filing date are listed in this section.

SECTION TWO: CLOSED CASES 78 .

I CIVIL BARNES WORSTEDS, INC. MA 003174 MINOR MA, KINGSTON JONES RIVER	9-17-75 Oct 75 Pending	Failure to meet compliance schedule dates. Noncompliance with permit.
I CIVIL HAVERHILL GAS COMPANY MA, HAVERHILL N/A UNNAMED BROOK & LITTLE RIVER	12-17-74 3-3-75 Pending	Non-Filer. Approx. 6 million gallons of water containing phenol, iron & contaminants.

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II CIVIL TUCK INDUSTRIES, INC. NY 008138 MINOR NY, BEACON FISHKILL CREEK	2-14-75 6-5-75 Pleaded not guilty, 6/16/75 - Pending	Non-Filer. Point sources not covered in permit application.
II CRIMINAL TUCK INDUSTRIES, INC. NY 008138 MINOR NY, BEACON FISHKILL CREEK	2-14-75 U.S. ATTY announced outline of Info. Tuck pleaded not guilty, 6/16/75. Case won't go to trial before 9/75. Pending	Discharging without a permit. Point sources not covered in permit application.

APPENDIX C
TABLE 1

IV CIVIL ALTON BOX BOARD COMPANY FL 0000892 MAJOR FL, JACKSONVILLE ST. JOHN RIVER	2-19-75 5-22-75 Under negotiations.	Failed to complete construction of waste treatment system by 12/31/74.
IV CIVIL AMERICAN SYNTHETIC RUBBER KY 0001309 MAJOR KY; LOUISVILLE OHIO RIVER	10-7-75 Dec 75 Pending	Violated Effluent Limits from 7/74 thru 5/75, allowed "bypass" on 5 different dates.
IV CIVIL BUTTE KNITTING MILLS (A Div. of Jonathan Logan, Inc.) SC 0000957 MINOR SC SPARTANBURG NORTH TYGER RIVER	11-12-75 12-5-75 Pending	Violation of Interim Effluent Limits & failure to submit noncompliance reports
IV CIVIL CAROLINA PAPER MILLS NC 0006343 MAJOR NC, ROCKINGHAM HITCHCOCK CREEK	4-10-75 5-7-75 Pending	Discharge continued after permit expiration. Failure to submit info required to authorize further discharge.

APPENDIX C
TABLE 1

IV CIVIL MINERAL RESEARCH & DEVELOPMENT CORP. NC 0006351 MAJOR NC, CONCORD ROCKY RIVER	10-21-75 11-6-75 Pending	Failed to meet interim effluent limits by 6/14/75, failed to provide non-compliance reports.
IV CIVIL SANTEE PRINT WORKS SC 0001309 MAJOR SC, SUMTER Unnamed Trib. of TURKEY CREEK	7-10-75 8-27-75 Pending	Failure to meet effluent limits.
IV CIVIL VELSICOL CHEMICAL CORP. TN 0000051 MAJOR TN, MEMPHIS CYPRESS CREEK	7-3-75 10-10-75 Pending	Failed to meet effluent limits.
IV CIVIL WINSTON-SALEM & STATE OF NC. (municipal) NC 0024198 MAJOR NC, WINSTON-SALEM MIDDLE FORK CREEK to SALEM CREEK	11-18-75 12-31-75 Pending	Allowed approx. 41 cubic yds. of sludge material to enter creek resulting in fish kill.

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TABLE 1

V CIVIL DANA CORP., MIDWEST FRAME DIV. MI 0005894 MAJOR MI, ECORSE Navigable WTR	7-24-75 12-23-75 Answer Filed	Soap Spill - 4/16/75, Disch. of soap not auth. in permit.
V CIVIL STEAMER GEORGE HINDMAN N/A MI ST. CLAIR RIVER	12-22-75 10-15-75 Indictment Returned.	Oil disch. into St. Clair River, unknown amount. 9/17/75.
V CIVIL INTERNATIONAL HARVESTER, WISCONSIN STEEL DIV. IL 0001660 MAJOR IL, CHICAGO CALUMET RIVER	10-6-75 12-17-75 Answer Filed	Violated effluent limits, continuing noncompliance.
V CIVIL [illegible]-AMERICAN, INC. N/A WI, MILWAUKEE LITTLE MENOMONEE RIVER	2-15-75 5-19-75 Interrogatories Filed	Unauth. disch.
V CIVIL [illegible] AMERICAN CHEMICAL CORP. N/A OH, TOLEDO Navigable WTR	7-11-75 11-11-75 Complaint Filed.	Sodium Hydroxide Spill - 4/15/75. Approx. 1700 gals. disch.

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V CIVIL POST BULLETIN CO. N/A MN, ROCHESTER BEAVER CREEK	1-1-75 2-23-75 Complaint Filed - Pending	Unauth. disch. - Degreaser Agent
V CIVIL WILLIAMS PIPE LINE CO. N/A IL, FAYETTE COUNTY & JASPER COUNTY Unnamed Trib. to LONE GROVE Branch, Trib. to East Fork of KASKASKIA RIVER	9-23-75 & 10-20-75 12-10-75 Pending	Spills approx. 6,000 gals. & 27,000 gals. of liquid fertilizer (URAN), due to corrosion leak in 10" pipelines. 4/7/75 & 5/6/75.

APPENDIX C
TABLE 1

VI CIVIL AMERICAN CYANAMID CO. LA 0004367 MAJOR LA, WESTWEGO MISSISSIPPI RIVER	10-2-75 & 2-6-76 10-9-75 Pending	Violated effl. limitations, 3/11/75, 3/18/75 & 3/19/75, exceeded 'Ammonia as N" by 45,000 lbs., 69,000 lbs. & 32,000 lbs., Disch. 537 lbs. of "Chromium" on 7/16 & 7/17/75, max. is 100 lbs. per/day
VI CIVIL BOISE SOUTHERN CO. (Calcasieu Paper Co.) LA 0003379 MAJOR LA, ELIZABETH MILL CREEK	11-21-75 12-4-75 Pending	Unauth. "bypass" due to equipment malfunction which was uncorrected over a period of months.

APPENDIX C
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VIII CIVIL ANACONDA COMPANY MT 0000191 MAJOR MT, BUTTE Clearwater Ditch to SILVER BOW CREEK	7-21-75 11-7-75 Pending	Disch. not auth. by permit. 3 cases of "bypass" on 1/14/75, 5/28/75 & 6/3/75
VIII CIVIL COLORADO TANK LINES N/A CO, ARVADA PINE CREEK & MONUMENT CREEK	8-27-75 11-18-75 Pending	Approx. 3,000 - 4,000 gals. heating oil spill, 10-1-73 unauth. disch.
VIII CIVIL RICO ARGENTINE MINING CO. N/A CO, RICO DOLORES RIVER	10-11-74 7-2-75 Pending	Non-Filer.
VIII CIVIL SILVER BOW COUNTY MT 0022812 MAJOR MT, BUTTE SILVER BOW CREEK	11-20-75 2-26-75 Pending	Violated permit conditions & compliance order.

IX CIVIL ALLIED CHEMICAL COMPANY (BAY POINT) CA 0004979 MAJOR CA, PITTSBURG SUISUN BAY	7-31-75 11-21-75 Pending	Violated effluent limitations, continuously from 1-1-75 to 4-30-75.

APPENDIX C
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X CIVIL BUNKER HILL COMPANY ID 0000078 MAJOR ID, KELLOGG SOUTH FORK COEUR D'ALENE SILVER KING CREEK	4-15-75 9-2-75 Pending	Permit exceeded affluent limits & certain special conditions.
X CIVIL EAGLE WATER & SEWER DIST. (MUN.) ID 0023021 MINOR ID, EAGLE LAGOON TO BOISE RIVER	9-22-75 10-3-75 Pending	Noncompliance with permit special condition, "Allowed bypass", 6/20/75.

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TABLE 1

NPDES Civil & Criminal Enforcement Actions
(Section 309 Referrals to U.S. Attorney)
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SECTION TWO: CLOSED CASES 78

I CIVIL A.E. STALEY MFG. ME 0002216 MINOR ME, HOULTON MEDUXNEKEAG RIVER	4-28-75 N/A Closed - $8,000 settlement- June 75	Effluent limitations violations. Failure to report daily analyses.
I CIVIL ANDREWS WORSTED MILLS, INC. RI 0000809 MINOR RI, PASCOAG PASCOAG RIVER	12-24-74 N/A Closed/Consent Decree - $1,500 Settlement- April 75	Approx. 30,000 gals. of untreated process wastewaters and sanitary sewage.
I CIVIL BALDWINVILLE PRODUCTS, INC. MA 0000175 MAJOR MA, TEMPLETON OTTER RIVER	12-19-74 2-19-75 Closed - $20,000 Settlement- Sept 75	Failed to monitor effluent. Reports based on estimates.
I CIVIL BRINDIS LEATHER CO. ME 0001317 MINOR ME, CANTON WHITNEY BROOK	4-28-75 5-19-75 Closed - Judgement, $1,000 penalty, 12-11-75	Violated reporting requirements (Late DMRs & progress reports)
I CIVIL ERVING PAPER MILLS MA 0000621 MAJOR MILLERS RIVER	12-19-74 2-19-75 Closed - $10,000 Settlement- Sept. 75	Failed to monitor effluent. Reports based on estimates.
I CIVIL STAMINA MILLS RI 0000084 MAJOR RI, FORESTDALE BRANCH RIVER	2-13-74 7-1-74 Closed -Consent decree $5,000 Settlement- July 75	Unreasonable delay in complying with permit conditions.

APPENDIX C
TABLE 1

II CIVIL LINDEN CHLORINE PRODUCTS, INC. N/A NJ, LINDEN ARTHUR KILL	4-30-74 N/A Closed - US Atty declined to file -July 75	Non-filer Discharging without a permit or pending application on OCT 30, 1972, FEB 7, 1974, and MAR 22, 1974
II CRIMINAL LINDEN CHLORINE PRODUCTS, INC N/A NJ. LINDEN ARTHUR KILL	4-30-74 3-24-75 Closed - $10,000 fine - 11/10/75	Non-filer. Disch. w/o permit or pending application on 10/30/72, 2/7/74 & 3/22/74.
II CIVIL HICK BROTHERS FUEL CORP. N/A NY, HUNTINGTON HUNTINGTON HARBOR	9-20-74 2-6-75 Closed - $3,500 penalty - 12/29/75.	Placed backfill material in bulkhead - no permit.

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III CIVIL WHITMOYER LABS, INC. (Subsidiary of Rohm & Haas) PA 0012785 MAJOR PA, MYERSTOWN TULPEHOCKEN CREEK	8-15-75 10-9-75 Closed - Consent decree & $5,000 penalty - 12/75	Violated effluent limits. Failed to file 5 day letters. Failure to file a DMR.

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IV CIVIL CHATTANOOGA COKE & CHEMICALS COMPANY (formerly Mead Corp.) TN 0001635 MAJOR TN, CHATTANOOGA UNNAMED TRIB. OF CHATTANOOGA CREEK	9-16-75 9-26-75 Closed - Consent Decree & $5,000 Penalty - NOV '75	Not in compliance with permit (Exceeding effluent limitations)
IV CIVIL W.R. GRACE & COMPANY DAVISON CHEMICAL DIV. TN 0001678 MAJOR TN, CHATTANOOGA S. CHICKAMAUGA CREEK	8-28-75 9-18-75 Closed - Consent Decree & $4,000 Penalty - NOV '75.	Violation of Effluent Limits.
IV CIVIL LOUISVILLE & NASHVILLE RR CO. TN 0002999 MINOR TN, RADNOR BROWNS CREEK	2-19-75 & 2-28-75 3-7-75 Closed-Consent Decree-- $7,500 Civil Penalty 9-3-75	Failed to furnish DMRs and schedule compliance report. Did not submit final plans to achieve effluent limits. Also, no notice of compliance or noncompliance.
IV CIVIL MOUNT PLEASANT BOAT CO. N/A SC. MT. PLEASANT SHEM CREEK	5-30-75 Withdrawn Closed DEC 75	Unpermitted discharge of dredged material.
IV CIVIL PARA-CHEM SOUTHERN, INC. SC 0001244 MINOR SC, SIMPSONVILLE DURBIN CREEK	4-25-75 5-6-75 Closed - 12-18-75 Consent Decree & $3,000 penalty	Effluent limitations violations.

APPENDIX C
TABLE 1

IV CIVIL UNION CARBIDE CO. SC 0001473 MAJOR SC, FLORENCE JEFFRIES CREEK	2-19-75 3-14-75 Closed - $2,000 Fine - 4/2/75	Failed to meet effluent limits and submit final plans for attainment of same. Final plans not submitted as of 2/19/75.
IV CRIMINAL WEBB COAL CO., INC. MINE #5C N/A KY, LICK CREEK SCHOOLHOUSE BRANCH	2-15-74 6-30-74 Closed - $2,500 Fine ($2,000 of the fine suspended if no violations in next 2 years). - JULY 74	Non-filer Discharge of polluted wastewater without permit Section 301(a), FWPCA
IV CIVIL W. LANGSTON HOLLAND, ROBERT D. WRAY et. al N/A FL, ST. PETERSBURG POPP'S BAYOU	12-13-73 6-14-74 Closed - injunction granted - JUNE 74	Non-filer Discharge without permit.

APPENDIX C
TABLE 1

V CIVIL AMERICAN CRYSTAL SUGAR CO. MN 0001929 MAJOR MN, CROOKSTONE RED LAKE RIVER	4-26-74 5-21-74 Closed - 7/75 $7,000 Fine	Discharge of 6,600 gals. of condenser pond wastewater containing high levels of BOD, SS and coliform bacteria.
V CIVIL AMOCO CHEMICAL CO. N/A IL, JOLIET ILLINOIS RIVER	2-13-75 N/A Declined 6/12/75	Spill - Est. 25 gals metaxylene - ruptured cargo hose while unloading tank barge.
V CIVIL ASHLAND OIL, INC. N/A IL, CHICAGO CHICAGO SANITARY & SHIP CANAL	5-30-75 N/A Closed - Pros. declined - 9/25/75	Discharge of Toluene.
V CIVIL BORG WARNER CHEMICALS IL 0003803 MINOR IL, OTTOWA ILLINOIS RIVER	2-5-75 N/A Closed - Pros. declined - 10/20/75	Spill - Est. 900 gals. Sulfole. Oil - coupling on connecting hose came loose & spilled undetermined amt.
V CIVIL DAMERT & DOUGHERTY N/A IL, CHICAGO CHICAGO SANITARY & SHIP CANAL	2-21-75 N/A Closed - Pros. declined - 9/25/75	Spill - approx. 30 - 50 gals. Ethyle - acetate - gasket blown from shore pump during priming operation.

APPENDIX C
TABLE 1

V CIVIL DENNEY & DOUGHERTY N/A IL, STICKNEY CHICAGO SANITARY & SHIP CANAL	2-24-75 N/A Closed - Pros. declined 9/25/75	Spill - approx. 500 - 1,000 gals. Isopropanol & Methanol overflow from shore pump during priming during transfer operation.
V CIVIL DETREX CHEMICAL IND., INC. OH 0000752 MAJOR OH, ASHTABULA LAKE ERIE	11-14-74 12-3-74 Closed - Consent Decree - $55,000 settlement SEP 75	Effluent limitations violations.
V CIVIL E.I. DU PONT de NEMOURS & CO. OH 0000990 MAJOR OH, CLEVELAND CUYAHOGA RIVER	7-29-75 N/A Closed - Pros. declined - 9/18/75	Sulfur spill - 2/1/75, approx. 50 tons of molten sulfur reached river.
V CIVIL E.I. DU PONT de NEMOURS, INC. OH 0002534 MINOR OH, TOLEDO MONEVILLE DITCH	8-5-75 N/A Closed - Pros. declined - 8/26/75	Styrene spill, 50 gals 4/30/75, ruptured gasket on transfer line.
V CIVIL EMGE PACKING CO. IN 0001686 MINOR IN, FT. BRANCH W. FORK PIGEON CREEK	5-7-74 & 11-20-74 3-24-75 Closed - 7/75 $1,750 Fine	Blood Spill
V CRIMINAL DUMONT CORP. N/A MI, GRAND RAPIDS PLASTER CREEK	6-25-74 N/A Closed - US ATTY declined prosecution - JUNE 75	Spill - 11,000 gals. of Naptha

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TABLE 1

V CIVIL JOLIET MARINE SUPPLY & REPAIR SERVICES, INC. N/A IL, JOLIET DES PLAINES RIVER	2-27-75 N/A Closed - Pros. declined - 10/20/75	Spill - est. 60 gals. coal & water pumped into river during cleanup operations.
V CIVIL KNOX HIRONS IL, WALTONVILLE UNNAMED Trib. of Big Muddy River to Rend Lake	5-6-74 N/A Closed - Permanent injunction granted - 6/21/74	Animal carcasses
V CIVIL CENTERVILLE NPK FERTILIZER N/A IN, CENTERVILLE CENTER RUN	6-18-75 N/A Closed - Pros. declined - Deferred to State of IN - 7/28/75	Fertilizer spill.

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V CRIMINAL LIBBEY-OWENS FORD N/A OH, TOLEDO OTTER CREEK	9-12-73 N/A Closed - Prosecution declined resubmitted as civil action - 10-21-74.	Spill - Discharging without a permit.
V CIVIL LIBBEY-OWENS FORD N/A OH, TOLEDO OTTER CREEK	10-21-74 & 2-6-75 3-21-75 Closed - $1,000 Fine. 8-5-75	Spill - Sodium Chromate solution unknown amount.
V CIVIL MIDLINE ENTERPRISES CROTIN TRANSPORTATION N/A IL DES PLAINES RIVER	2-25-75 N/A Declined 6/12/75	Spill est. 200 gals. Orthoxylene leaked from tank barge
V CIVIL MIDLAND ENTERPRISES, INC. N/A IL, LEMONT CHICAGO SANITARY & SHIP CANAL	2-5-75 N/A Closed - Pros. declined 6-12-75.	Spill - Est. 1,000 gals. Tolune Spill - leak in barge
V CIVIL SOBIN CHEMICALS, INC. OH 0000752 MAJOR OH, ASHTABULA LAKE ERIE	11-14-74 12-3-74 Closed - $25,000 penalty & Consent Decree - 10/3/75.	Effluent limits violated.

APPENDIX C
TABLE 1

V CIVIL STEELCO CHEMICAL CORP. IL 0022934 MINOR IL, LEMONT CHICAGO SANITARY & SHIP CANAL	4-21-75 N/A Closed, - Pros. declined - 12/18/75	Hydrochloric acid disch. in violation of 301(a)
V CIVIL SUCREST CORP. IL 0002780 MINOR IL, CHICAGO OGDEN SLIP	2-13-75 N/A Closed - Pros. declined - 10/20/75	Spill - est. 100 - 300 gals. liquid sugar spill inadvertently disch.
V CRIMINAL E.C. SNEER & SON (Schilling Fish Co.) N/A WI, OCONTO PENSAUKEE RIVER	9-30-74 N/A Closed - No true bill returned 8/15/75	Bored hole 30' dia. into holding pond of fish waste to allow entrance of barge. Waste escaped.
V CRIMINAL TRI COUNTY LOGGING CO. N/A MI BEAR CREEK	12-7-73 N/A Closed - 3-3-75 - $2,500 fine	Discharging without a permit
V CIVIL UNION CARBIDE CORP. N/A IN, EAST CHICAGO LAKE MICHIGAN	1-3-75 N/A Closed - 2-12-75 - Declined	Spill - Malfunctioning pump discharged chemical (lime sludge) unknown volume.

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V CIVIL UNION MECHLING CORP. N/A IL CHICAGO SANITARY & SHIP CANAL	2-19-75 N/A Declined 6-12-75	Spill - Est. 10 gals. methanol leaked from packing glands on priming pump.
V CIVIL WEDLIN, INC. RA OH, CINCINNATI OHIO RIVER	12-19-74 N/A Closed - US ATTY declined prosecution - 3/75	Spill - Approx. 200 gals. wood molasses overflowed tank truck.

VI CIVIL GAF CORPORATION N/A TX, TEXAS CITY SUB SURFACE WELLS	9-6-74 N/A Closed - motion to dismiss granted 2/5/75.	Non-filer.

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VII CRIMINAL AMERICAN BEEF PACKERS, INC. N/A NE, MINATARE MOFFAT DRAIN TO NINE MI, CREEK TO N. PLATTE RIVER	2-6-74 4-26-74 Closed - Verdict - Not guilty. June 75	Non-filer. Discharge without a permit.
VII CRIMINAL CENTRAL NEB. PACKING CO. N/A NE N. PLATTE RIVER	10-12-73 N/A U.S. ATTY declined prosecution 6/20/74.	Non-filer.
VII CRIMINAL CONTINENTAL CHEESE, INC. N/A NE CROOKED CREEK	10-9-73 N/A U.S. ATTY declined prosecution 6/20/74.	Non-filer.
VII CRIMINAL ELMER DUNSFELDT CO. N/A NE HALF BREED CREEK	6-30-73 N/A U.S. ATTY declined prosecution. 6/20/73	Non-filer.
VII CIVIL A. P. GREEN REFRACTORIES CO. N/A MO, MEXICO SALT RIVER	6-17-75 N/A Declined 6/24/75	Unlawful discharge of pollutants, over limitations.

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VII CRIMINAL [illegible] PAINT & VARNISH CO. N/A MO, SPRINGFIELD S. JORDAN CREEK (Trib. to James River)	4-9-74 N/A Closed - U.S. ATTY declined prosecution - 8/30/74	Spill - Non-filer.
VII CIVIL HENRICK'S FERTILIZER & SUPPLY CO. N/A MO, TARKIO TARKIO RIVER	8-29-75 N/A Closed - US ATTY declined - 12/3/75	No permit. Unauthorized discharge of Anhydrous Ammonia - 7/29/75. Resulting in fish kill.
VII CRIMINAL MAHASKA BOTTLING CO. N/A IA, OSKALOOSA Trib. LITTLE MUCHAKINOCK CREEK	10-16-74 N/A Closed - $600 fine - 7/2/75	Non-filer. Untreated process wastewater.
VII CRIMINAL [illegible] INDUSTRIES N/A SD SALT CREEK	4-26-73 N/A Closed - U.S. ATTY declined prosecution 7/73	Non-filer.

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VII CIVIL RAMSEY CORP. MO 0000434 MINOR MO, SULLIVAN [illegible] CREEK	3-17-75 5-2-75 Closed - 5/2/75	Effluent limitations violations
VII CIVIL SOUTHWEST BY-PRODUCTS, INC. N/A MO, SPRINGFIELD JAMES RIVER via JORDAN RIVER	1-2-75 N/A Declined 7/75	Spill - Approx. 5,000 lbs. animal fat from bulk storage plant.
VII CIVIL UNION PACIFIC RR CO NE 0000515 MINOR NE, OMAHA MISSOURI RIVER	7-22-75 N/A Closed - U.S. ATTY declined	Violation of effluent limits.

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VIII CIVIL GREAT WESTERN SUGAR CO. CO 0001007 CO, EATON HILL CACHE la POUDRE RIVER	11-28-73 N/A Closed - negotiated settlement of $3500 - May 75	Violation of By-pass condition in permit.
VIII CIVIL HOLLY SUGAR COMPANY MT 0000248 MAJOR MT, SIDNEY Ditch to YELLOWSTONE RIVER	3-7-75 3-28-75 Closed - Stipulation & $47,500 penalty - 12/75	Effluent limits violated.
VIII CIVIL HUSKY OIL WY 0000442 MAJOR WY, CHEYENNE CROW CREEK (Trib. to S. Platte R.)	3-6-74 N/A US ATTY declined to prosecute. May 75	Violation of effluent limitation
VIII CIVIL HUSKY OIL WY 0000451 MAJOR WY, CODY SHOSHONE RIVER	11-13-74 1-20-75 Closed - Order, judgment & $2,500 penalty - 12/75	Effluent limits violated.
VIII CIVIL KAISER CEMENT & GYPSUM CORP. MT, MONTANA CITY Unnamed draw to PRICKLEY PEAR CREEK	12-11-74 N/A US ATTY declined to prosecute. 1/16/76	Runoff of Waste from dumpsite.

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VIII CIVIL NEW JERSEY ZINC CO. CO 0000035 MAJOR CO, GILMAN Open ditch & storm drain to EAGLE RIVER	8-16-74 1-24-75 Closed - $4500 fine to US/$3000 to State April 75	Violated By-Pass Prohibition
VIII CIVIL RED RIVER VALLEY COOP. N/A ND, HILLSBORO Unnamed ditch, & Coulee to GOOSE CREEK	5-20-75 10-14-75 Closed - Consent agreement & $50,000 penalty, 10/75	Discharge without a permit.
VIII CIVIL STAUFFER CHEMICAL CO. N/A WY, LEEFE TWIN CREEK TO BEAR RIVER, Trib. to GREAT SALT LAKE	4-23-75 N/A Fined $5,500 (Paid) Closed August 75	Discharging without a permit.
VIII CIVIL WESTERN DAIRYMEN'S COOP & WESTERN GENERAL DAIRIES, INC. UT 0000469 MAJOR UT, RICHMOND ROBINSON CREEK (Tib. to CUB CREEK)	1-10-75 5-1-75 Closed - Consent Decree & $15,000 penalty - 12/75	Effluent limits violated.

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IX CIVIL ALLIED CHEMICAL CORP. CA 0004979 MAJOR CA, PITTSBURG SUISON BAY	3-28-74 7-8-74 Closed - $500 settlement March 75	Discharge not covered by existing permit.
IX CIVIL GENERAL AMERICAN TRANS. CORP. N/A CA, OAKLAND SAN FRANCISCO	3-28-74 7-8-74 Closed - $500 settlement March 75	Non-filer.
IX CIVIL H & H SHIP SERVICE CO. N/A CA, SAN FRANCISCO SAN FRANCISCO	3-28-74 N/A Closed - US ATTY declined. March 75	Discharge of Chemical Pollutant.
IX CIVIL IMPERIAL WEST CHEMICAL CORP. N/A CA, ANTIOCH SAN JOAQUIN RIVER	3-28-74 N/A Closed - Negotiated Settlement (No fine). March 75	Non-filer.
IX CIVIL JONES HAMILTON CO. N/A CA, NEWARK PLUMMER CREEK	3-28-74 N/A Closed - US ATTY declined. March 75	Discharge of Chemical Pollutant

APPENDIX C
TABLE 1

IX CRIMINAL PHELPS - DODGE N/A AZ, DOUGLAS WHITEWATER DRAW	5-15-74 12-13-74 Closed - Dist. Ct. Judge dismissed 4/22/75	Non-filer.
IX CIVIL VAN CAMP SEAFOOD CO. AS 0000027 MAJOR AS PAGO PAGO HARBOR	5-8-74 6-21-74 Closed - $20,000 settlement-June 75	Failed to provide secondary treatment by 3/74. Failure to comply with Admin. Order.
IX CIVIL WILLARD SCHOENFELD, INC. N/A CA, REDWOOD CITY REDWOOD CREEK	3-28-74 7-8-74 Closed - settlement for improvement- June 75	Non-filer.

APPENDIX C
TABLE 1

NPDES Civil & Criminal Enforcement Actions
(Section 309 Referrals to U.S. Attorney)
As of 31 Dec 1975

X CIVIL ALASKA PACIFIC SEAFOOD, INC. AK 0000434 MAJOR AK, KODIAK KODIAK HARBOR	12-23-74 Not Filed. Closed - US ATTY declined - 10/17/75	Disch. untreated fish processing wastewater.
X CIVIL PAN - ALASKA FISHERIES, INC. AK 0000281 MAJOR AK, KODIAK ST. PAUL HARBOR	4-10-74 N/A Closed - negotiated settlement	Failure to screen wastes.
X CIVIL WHITNEY - FIDALGO AK 0001309 MAJOR AK, KODIAK KODIAK HARBOR	4-10-74 Not Filed Closed - negotiated settlement	Failure to screen wastes.
X CIVIL GARY WILSON N/R AK, KODIAK ST. PAUL HARBOR	12-23-74 Not Filed. Closed - US ATTY declined - 10/17/75	Non-filer.

APPENDIX C
TABLE 2

OIL AND HAZARDOUS SUBSTANCE LIABILITY - SECTION 311(b)(5)

Failure to Notify of Discharge - Criminal Fine

Region	Name of Discharger	Location	Receiving Waters	Description of Problem/Incident	EPA Action: Referral to and Date	Results or Status
III	Acme Wire Machine Co.	Pennsylvania	Schuylkill River	Waste oil (2 or 3 drums) spilled.	US Atty 1/6/75	$100 Fine
III	Coastal Tank Lines, Inc.	Pennsylvania	" "	#6 fuel oil overflow.	US Atty 1/20/75	Referred to CG
III	Pennzoil	West Virginia	Falling Rock Creek	Spill	US Atty 12/30/75	Pending
IV	Fleet Transport Co.	Daisy, TN	Chick Creek	Approx. 1500 gals. gas	US Atty 1/30/75	CG collected $500 5/14/75
IV	Kem Mfg. Corp.	Tucker, GA	Stone Mountain Creek	Solvent, unk. amt. 7/27/75. Cause unk.	US Atty 8/4/75	CG assessed $5,000 12/12/75
IV	Liberty Life Ins. Co.	Greenville, SC	Lake Fairfield	Est. 250 gals. #5 oil	US Atty 1/30/75	CG collected $500 4/28/75
IV	Owens-Illinois Glass Container Div.	Atlanta, GA	South River	22,000 gals. #2 fuel oil	US Atty 1/10/75	CG collected $5,000 6/9/75
V	Amoco Chemicals	Joliet, IL	Illinois River	Metaxylene spill	US Atty 2/13/75	309 Referral declined 6/12/75
V	Brandenburg Oils Service Co.	Highland, MI	Pickeral Lake	Approx. 1300 gals. oil	US Atty 2/3/75	309 Referral pending
V	Brown Paper Co.	Parchment, MI	Kalamazoo River	Approx. 500 gals. fuel oil	US Atty 3/26/75	US Atty declined 8/20/75
V	Crystal Oil Refinery	Princeton, IN	Brown Ditch	210 gals. crude oil valve left on	US Atty 6/10/75	UA Atty declined 11/12/75
V	Gladieux Refinery	Indiana	Navigable USA	Oil spill 5/19-28/75 Failed to report it.	US Atty 8/28/75	Pending

APPENDIX C

TABLE 2

Page 2 cont'd

Region	Name of Discharger	Location	Receiving Waters	Description of Problem/Incident	EPA Action: Referral to and Date	Results or Status
V	Joliet Industrial Dist.	Joliet, IL	Des Plaines R.	Refuse Discharge	US Atty 2/12/75	Pending 309 Referral
V	Mario Sinacola Excavating, Inc.	Drayton Plains, MI	Navigable USA	Oil spill 12/29/75 Failed to report it.	US Atty 8/29/75	Pending
V	Midland Enterprises, Inc.	Lemont, IL	Chicago Sanitary & Ship Canal	Unk. amt. of fuel oil.	US Atty 2/5/75	309 Referral - Declined 6/12/75
VI	Scurlock Oil Co.	Gregg Co., TX	Wells Branch	55 brls oil - leaking pipeline.	US Atty 2/28/75	Pending
VI	Western Oil Trans. Co.	Witchita Co, TX	Turkey Creek	Leaking pipeline 490 brls. crude oil.	US Atty 1/24/75	Closed - Refused by US Atty
VII	Alma (Mun)	Alma, NE	Storm sewer to Harbor Cty. Res.	Approx. 300-500 gals. diesel spill, 8/7/75, fuel tank overflow.	US Atty 9/25/75	CG cpllected $250. US Atty declined pros. 12/23/75.
VII	Cabool Oil Co.	Seymour, MO	Finley Creek	3000 gals. kerosene fm bulk storage plant	US Atty 1/15/75	US Atty - Declined 4/23/75
VII	Cairo Wood Treating (Wise Wood Treating Co.)	Cairo, MO	Wood Creek	Spill - unk. amt of pentachlorophenol, overflowed storage tank.	US Atty 9/10/75	CG collected $250. US Atty Declined 3/5/75
VII	Clinton Engines Corp.	Maquoketa, IA	S. fork of Maquoketa River	Unk qty. of oil & grease disch. 8/12-17/75	US Atty 10/7/75	CG collected $500. US Atty declined
VII	Columbia (Mun Pwr Plant)	Columbia, MO	Bear Creek	200-300 gals. fuel oil on 7/30/75, storage tank overflow.	US Atty 9/9/75	CG collected $500 penalty 11/20/75. US Atty declined prosecution.
VII	Haeffner Oil Co.	Grinnell, IA	Nyanza Lake	Disch. #2 fuel oil 5/9/75, storage tank leak.	US Atty 10/28/75	Closed because of insufficient evidence

APPENDIX C
TABLE 2

Page 3 cont'd

Region	Name of Discharger	Location	Receiving Waters	Description of Problem/Incident	EPA Action: Referral to and Date	Results or Status
VII	Jerry L. Phillips Oil & Industrial Supply Co.	Chanute, KS	Big Cedar Cr.	Spill, approx. 2 brls. crude, dresser union in oil lead line pulled apart. 3/6/75.	US Atty 7/28/75	CG collected $500 penalty 9/2/75. US Atty declined pros. 12/3/75.
VII	Lincoln University Building (Utilities & Grounds)	Jefferson City, MO	Weirs Creek	Unk. amt. #2 fuel oil	US Atty 4/18/75	US Atty - Declined prosecution 5/7/75
VII	National Oil & Supply CO.	Springfield, MO	Robinson Cr.	Approx. 20 gals. oil storage tank overflowed.	US Atty 2/24/75	CG collected $100 penalty 3/25/75
VII	Phillips Pipe Line Co.	Coffey Co., KS	Long Creek	Approx. 1700 brls of crude, leak in 8" pipe line, 7/1/75.	US Atty 8/13/75	Closed because of insufficient evidence
VII	Ruan Transport Co. Amoco Oil Co.	Scottsbluff, NE	North Platte	Approx. 35-50 gals. gasoline.	US Atty 12/19/75	US Atty declined pros. 12/19/75.
VII	St. Louis-San Francisco Railroad Co.	Springfield, MO	N. Fork of Wilson Creek	Spill, unk. qty. of oil, lagoon overflowed	US Atty 7/10/75	CG collected $250 9/23/75.
VII	Upper Iowa University	Fayette, IA	Volga River	200-400 gals. of fuel oil 2/11/75, overflowed storage tank.	US Atty 8/14/75	Previously referred to CG-assessed $150 civil penalty CG collected $150 penalty 8/15/75. US Atty declined pros. 8/22/75.

APPENDIX C
TABLE 3

Civil Actions Initiated By EPA

Refuse Act

Region	Name of Discharger	Location	Receiving Waters	Problem	Date of Referral to U.S. Atty	Action in CY 1975	Results or Status
V	Moss-American Co. Subsidiary of Kerr-McGee Industries	Milwaukee, WI	Little Menomonee River	Residual creosote & oil	3/17/75	309 Referral Filed 5/19/75	

APPENDIX C
TABLE 3

Criminal Actions Initiated By EPA

Refuse Act

Region	Name of Discharger	Location	Receiving Waters	Problem	Date of Referral to U.S. Atty.	Action in CY 1975	Results or Status
VII	Chicago, Milwaukee, St. Paul & Pacific RR Co., Inc.	Sabula, IA (Jackson Cty)	Mississippi R.	Deposited refuse matter - debris from railroad derailment.	Filed 4/4/75 Northern Iowa	Judgment & Probation Commit. Order filed 4/21/75; $500 fine.	
VII	Standard Oil Co.	Denison, IA	Boyer River	Approx. 115,000 gals. ammonium phosphate fert.	4/23/75	Closed, US ATTY Declined 2/17/76	
VII	Rhodia, Inc.	St. Joseph, Mo.	Missouri R.	Deposited refuse - pesticide 2,4-D amine. 16,650 gals. from storage tank.	1/8/75	Closed, US Atty Declined 6/18/75	

APPENDIX C
TABLE 4

Marine Protection, Research, and Sanctuaries Act (Ocean Dumping)

REGION	Name of Discharger	Location	Receiving Waters (Water body & general water area)	Alleged Violation	Enforcement Action Date	Results or Status
II	Chemical Recovery	South Amboy, NJ	South Amboy loading fac. & dumped to ocean.	Trans. & delivered Mod. Trans. Co. waste mat'ls for purpose or dumping in ocean.	3/5/75	Co. made settlement, it was rejected. Co. reconsidering offer.
II	Modern Transportation	S. Kearney, NJ	"	Accepted waste mat'l from EPL Ind. & trans. same dumping in ocean.	3/5/75	Depends on outcome w/Chem. Recovery Corp.
II	Nassau County, Dept. of Public Works	Nassau	Ocean Waters	Failed to case acceptance of ind. waste mat'l for disposal into ocean waters by Gen. Marine Trans. & Ocean Disposal Co.	6/16/75	Consent order issued 6/6/75, signed by Nassau Cty, Closed.

APPENDIX D

COMPARISON OF ENFORCEMENT ACTIONS INCLUDED IN STATISTICAL TABULATIONS PRESENTED IN EPA ENFORCEMENT REPORTS PUBLISHED THROUGH DECEMBER 1975:

Item	24 Months First EPA Report* Dec.'70 - Nov.'72 (No. of Actions)	24 Months Second EPA Report** Dec.'72 - Nov.'74 (No. of Actions)	13 Months Current Report Dec.'74 - Dec.'75 (No. of Actions)
AIR ENFORCEMENT:			
Stationary Sources			
SIP Notices of Violation 1/	--	270	318
" Administrative Orders	--	92	217
" Consent Orders	--	34	118
" Referrals to U.S. Attorney	--	3	2
NESHAP 1/ Notices of Violation	--	--	4
" Administrative Orders	--	19	9
" Referrals to U.S. Attorney	--	7	--
NSPS 1/ Notices of Violation	--	--	22
" Administrative Orders	--	--	13
" Referrals to U.S. Attorney	--	--	--
Total Stationary Sources	28 2/	425	703
Mobile Sources 2/	--2/	15 2/	774 3/
TOTAL AIR ENFORCEMENT......................	28	440	1,477
PESTICIDES ENFORCEMENT:			
Civil Cases	--	569	355
Criminal Cases	159	235	8
Recalls	--	64	81 4/
SSURO 5/, incl. Seizures	23	160	214
Citations	--	576	--
Warning Notices	--	1,206	1,001
Import Detentions	--	198	189
Civil Penalty Warnings	--	7	57
TOTAL PESTICIDES ENFORCEMENT.............	182	3,015	1,905
WATER ENFORCEMENT:			
FWPCA, Sect. 309 Notices of Violation	--	--	101
" , Sect. 309 Administrative Orders	--	455	829
" , Sect. 309 Civil/Criminal Referrals	4 6/	37	123
" , Sect. 311 Oil Spill Referrals to U.S. Coast Guard and U.S. Attorney	30	995	1,146
" , Sect. 311 Actions for SPCC 7/ Violations	--	--	1,114
Pre-FWPCA Actions 8/	508	18	--
Total FWPCA Actions	542	1,505	3,313
REFUSE ACT OF 1899 -- Civil/Criminal Referrals	435	100	4
MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (Ocean Dumping Act) -- All actions reported	--	8	3
TOTAL WATER ENFORCEMENT..................	977	1,613	3,320
ALL ACTIONS ENUMERATED ABOVE...........	1,187	5,068	6,702

*"THE FIRST TWO YEARS: A REVIEW OF EPA'S ENFORCEMENT PROGRAM", February 1973, EPA, Wash., D.C.

**"EPA ENFORCEMENT; TWO YEARS OF PROGRESS -- AIR, WATER, PESTICIDES", 1975, EPA, Wash., D.C.

1/ SIP=State Implementation Plans;NESHAP=National Emission Standards for Hazardous Air Pollutants; NSPS=New Source Performance Standards. 2/Air Enforcement actions discussed in narrative form in text of these reports. 3/Actions enumerated include 5 Sect. 208 Letters and 1 prosecution referral (Auto Manufacturers; 3 prosecution referrals (Tampering); 2 prosecution referrals, 259 vehicle modifications, 71 vehicle exportations, and 173 bond forfeitures (Imports); 260 complaint filings (Fuels) 4/ May include some Informal Recall actions; prior to this report only Formal Recalls were enumerated. 5/ SSURO=Stop Sale, Use, or Removal Orders. 6/Pre-FWPCA Sect. 10(g) actions. 7/SPCC=Spill Prevention Control and Countermeasures Plans. 8/ Includes Enforcement Conferences, 180-Day Notices, etc.

* U. S. GOVERNMENT PRINTING OFFICE : 1976 625-990/814

ERRATUM

APPENDIX B, TABLE 3, of the previous report, "EPA ENFORCEMENT -- TWO YEARS OF PROGRESS: DECEMBER 1972 to November 1974" (EPA [illegible]) listed EPA Enforcement Actions under Section 311 of the FEDERAL WATER POLLUTION CONTROL ACT (Oil and Hazardous Substances Liability) against individually named entities. Through inadvertent error, a number of entries on the "[illegible] PIPELINE CO." EPA Region III -- show the Commonwealth of Virginia as that entity's geographic location. In all of these instances, the geographic location SHOULD HAVE READ

" WEST VIRGINIA" (W. Va.)

The error is regretted, and special appreciation is expressed to Mr. Eugene T. Jensen, Executive Secretary of the State Water Control Board, Commonwealth of Virginia, without whose visual acuity the error might have escaped notice.

Experts See River Pollution Ending

Va. Children Being Tested For Arsenic

The great bald eagle is flying high again

Once almost extinct, bird that symbolizes U.S. is increasing in protected nesting areas

Dade's Inland Waters Are Cleaner —But Still Not Fit for Humans

1.18.76

Miami Herald

Kaiser Steel Sued Over Air Pollution, Agrees to Cleanup

Steel Told To Clean Up Water

Idaho Gains in Clean-Up Of Air, Water Pollution

River improving

Air pollution control program paying off

Substitute found for PCBs in capacitors

Smelter's Emissions Threaten Populace But So Does Possible Loss of 1,000 Jobs